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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JAMAL J. ELLIS,

Plaintiff,

v.

WASHINGTON STATE DEPT OF
CORRECTIONS, D HOLBROOK, S
SINCLAIR, DANIELLE
ARMBRUSTER, L YOUNG, J
AIYEKU, B WARNER,

Defendants.

CASE NO. 3:15-CV-05421-RBL-DWC

ORDER

Presently before the Court is Plaintiff’s Motion to Modify and/or Terminate Legal Financial Obligations. Dkt. 4. It appears Plaintiff is requesting he not be required to pay a financial obligation owed to the Washington State Department of Corrections arising out of his conviction and/or sentence. *Id.* The current case involves a §1983 claim of an alleged denial of Plaintiff’s Eighth Amendment rights and a motion seeking modification or termination of financial obligations arising from a conviction or sentence is improper. *See* Dkt. 3. If Plaintiff wishes to challenge his conviction or sentence (and the financial obligations therein) he may do so through a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254.

1 While Plaintiff's intent is unclear, Plaintiff may be requesting Court relief from the
2 collection of his filing fee in this §1983 case. Dkt. 4. Thus, in an abundance of caution, the Court
3 will treat Plaintiff's Motion as a request to waive the collection of his filing fee.

4 Plaintiff filed a Motion to Proceed *in forma pauperis* in this case on June 18, 2015. Dkt.

5 1. The Court granted Plaintiff's Motion and has filed a separate order requiring Plaintiff to
6 amend his Complaint before service will be completed. *See* Dkt. 2, 5. Pursuant to 28 U.S.C. §
7 1915(b)(1):

8 [I]f a prisoner brings a civil action or files an appeal *in forma*
9 *pauperis*, the prisoner shall be required to pay the full amount of a
10 filing fee. The court shall assess and, when funds exist, collect, as a
partial payment of any court fees required by law, an initial partial
filing fee of 20 percent of the greater of-

11 (A) the average monthly deposits to the prisoner's account; or

12 (B) the average monthly balance in the prisoner's account for
13 the 6-monthly period immediately preceding the filing of the
complaint or notice of appeal.

14 Title 28 U.S.C. § 1915 does not provide any authority or mechanism for the Court to waive the
15 payment of a plaintiff's filing fee or to return the filing fee after dismissal of an action. In
16 amending 28 U.S.C. § 1915 with the enactment of the Prison Litigation Reform Act of 1995,
17 Pub.L. No. 104-134, 110 Stat. 1321 (Apr. 26, 1996) (PLRA), Congress intended to provide
18 financial disincentives for prisoners filing lawsuits *in forma pauperis*. *See Lyon v. Krol*, 127 F.3d
19 763, 764 (8th Cir.1997) ("Congress enacted PLRA with the principal purpose of deterring
20 frivolous prisoner litigation by instituting economic costs for prisoners wishing to file civil
21 claims. *See e.g.*, H.R. Conf. Rep. No. 104-378, at 166-67 (1995); 141 Cong. Rec. S14626 (daily
22 ed.) (Sept. 29, 1995) (statement of Sen. Dole)).

