

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOSHUA W. ROWE,

Plaintiff,

v.

Case No. 15-C-1006

JODY DEROSA et al.,

Defendants.

ORDER

On January 22, 2018, the court granted summary judgment in favor of the defendants and dismissed the claims alleged against them pursuant to 42 U.S.C. § 1983. On the same day, judgment was issued. On March 13, 2018, Plaintiff appealed the court's decision. On May 9, 2018, the Seventh Circuit dismissed Plaintiff's appeal for failure to pay the appellate filing fee. ECF No. 88. The Seventh Circuit ordered the district court's clerk to collect the \$505 filing fee pursuant to 28 U.S.C. § 1915(b); *see also Newlin v. Helman*, 123 F.3d 429, 434 (7th Cir. 1997).

Now before the court is Plaintiff's motion to reverse the Seventh Circuit's order requiring the fee to be collected. Plaintiff alleges he was unaware that he would be charged the \$505 fee if he did not submit anything to the court. However, a district court has no authority to overturn or reverse an appellate court order; so, this court cannot entertain Plaintiff's request. Besides Plaintiff's request must be denied on the merits, the Seventh Circuit has already articulated that the obligation for paying the appellate filing fee "is incurred by filing a notice of appeal; it cannot be avoided by dismissing the appeal, or by failing to pay when fees are due." *See Newlin*, 123 F.3d at 434. Thus, the moment Plaintiff filed his notice of appeal, he became responsible for the \$505 filing fee.

IT IS THEREFORE ORDERED that Plaintiff's motion to reverse (ECF No. 90) is **DENIED**.

Dated this 25th day of May, 2018.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court