

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

In re: DARREL KALLEMBACH as the Intervenor
Intervention of Right as Claimant
Argyle, Wisconsin
LARRY KALLEMBACH as the witness,

ORDER
09-cv-711-bbc

Plaintiffs.

In re: LARRY KALLEMBACH as the Intervenor
Intervention of my Fundamental Right as Claimant
Platteville, Wisconsin
DARREL KALLEMBACH as the witness i.e.
Witness Protection Act 18 USCA Section 1512-1515

ORDER
09-cv-736-bbc

Plaintiff.

In an order dated December 10, 2009, I dismissed these cases for lack of subject matter jurisdiction. Now plaintiff Larry Kallembach requests that the \$350 filing fees in each case be returned. The request will be denied.

As the name suggests, the \$350 fee is the fee for *filing* a case. Litigants whose cases are dismissed for lack of jurisdiction or for any other reason do not get their money back even if the case is dismissed at an early stage; they have received the service for which they

paid, which is the filing of the complaint and the opening of a case. The fee covers the administrative costs incurred at the time of filing. Neither the Federal Rules of Civil Procedure nor any statute enacted by Congress authorizes a district court to refund a filing fee in instances in which the filed case is closed following a ruling by the judge.

ORDER

IT IS ORDERED that plaintiff Larry Kallembach's request for a refund of the filing fees he paid in cases 09cv-711-bbc and 09-cv-736-bbc, is DENIED.

Entered this 1st day of March, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge