

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

TRAVANTI SCHMIDT,

Plaintiff,

v.

SERGEANT REYNOLDS,

Defendant.

ORDER

13-cv-810-wmc

State inmate Travanti Schmidt filed a civil action under 42 U.S.C. § 1983, against a correctional officer employed by the Wisconsin Department of Corrections. He requested leave to proceed without pre-payment of the filing fee and made an initial, partial payment as required by the Prison Litigation Reform Act (“PLRA”), 28 U.S.C. § 1915(b)(1), which allows indigent prisoners to pay the filing fee by installment until the full amount is satisfied. In an order entered on December 22, 2014, the court dismissed Schmidt’s case with prejudice pursuant to 28 U.S.C. § 1915A for failure to state a claim upon which relief may be granted. Schmidt now requests that all funds paid toward the filing fee in this case be returned to him, including funds paid by a third party. Schmidt’s motion will be denied.

Schmidt contends that he is entitled to a refund of the filing fee because he was allowed to withdraw this case and refile it at a late date. First, Schmidt is mistaken about the disposition of his case, which was dismissed with prejudice. Second, even if he had withdrawn the action he would not be entitled to a refund of any filing fee. As the name suggests, the \$350 filing fee is the fee for *filing* a case. The fee covers the administrative

costs incurred at the time of filing. Congress has set forth in 28 U.S.C. § 1915 the manner in which prisoners must pay the fees for filing federal lawsuits: “if a prisoner brings a civil action or files an appeal *in forma pauperis*, the prisoner is required to pay the full amount of the filing fee.” 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. Accordingly, plaintiff’s motion is denied.

ORDER

IT IS ORDERED that Travanti Schmidt’s request for a reimbursement of the fee for filing this case, dkt. #29, is DENIED.

Entered this 20th day of January, 2015.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge