

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

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ROBERT L. PERKINS,

Plaintiff,

OPINION AND ORDER

v.

14-cv-388-wmc

UNITED STATES SECRETARY OF  
TREASURY JACOB J. LEW, *et al.*,

Defendants.

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On March 30, 2015, the court granted defendants' motion to dismiss and granted judgment in favor of defendants. (Dkt. #16, #17.) On January 21, 2016, Perkins filed a Motion for Filing Fee Refund and Costs Reimbursement (dkt. #18), in which he requests that the court (1) refund the \$400 filing fee he paid to commence this action and (2) reimburse him for the costs he incurred for printing, postage, and mileage. As the court lacks authority to grant either request, the motion will be denied.

First, Perkins claims that his motion should be granted because his Amended Complaint was not filed. However, the case record shows that his Amended Complaint was not only entered into the record, but it was considered in the court's opinion granting defendants' motion to dismiss. (*See* dkts. #14, #16.) More importantly, however, the \$400 filing fee Perkins paid is, as the name suggests, the fee for *filing* a case, which was due in full when the complaint was filed. 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 the 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.

As to Perkins' request for reimbursement of the costs he incurred during litigation, he cites no authority in support of this request. It may be that Perkins is attempting to submit a bill of costs, in which a prevailing party may seek reimbursement of their costs from the opposing party. *See* Fed. R. Civ. P. 54(d). Yet as Perkins' complaint was dismissed and judgment was entered in favor of defendants, even if this motion were an attempted bill of costs, the court would still deny it because Perkins is not the prevailing party.

ORDER

IT IS ORDERED that plaintiff Robert Perkins' Motion for Filing Fee Refund and Costs Reimbursement (dkt. #18) is DENIED.

Entered this 20th day of May, 2016.

BY THE COURT:

/s/  
PETER OPPENEER  
Magistrate Judge