

IN THE COURT OF APPEALS OF THE  
STATE OF OREGON

LOUIS SAMUEL BOARDMAN,  
*Plaintiff-Appellant,*

*v.*

John and Jane DOES 1-8,  
Sgt. Clayton, Cpt. D. Heehn, and  
Oregon Department of Corrections,  
*Defendants-Respondents.*

Umatilla County Circuit Court  
19CV38607; A172241

Eva J. Temple, Judge.

Submitted February 7, 2020.

Louis Samuel Boardman filed the brief for appellant  
*pro se.*

Jona J. Maukonen, Assistant Attorney General, waived  
appearance for respondents.

Before Armstrong, Presiding Judge, and Tookey, Judge,  
and Aoyagi, Judge.

PER CURIAM

Affirmed.

**PER CURIAM**

Plaintiff, an adult in custody at Two Rivers Correctional Institution, brought a civil action against the Department of Corrections, two corrections officers, and unnamed defendants and applied for waiver or deferral of filing fees. The trial court entered a limited judgment against plaintiff, ordering deferral of the filing fees and that the filing fees will be drawn from plaintiff's correctional-facility trust account. *See* ORS 30.643(3) (providing that a court may waive the fees and court costs of the adult in custody, who seeks a civil action against a public body, only if the court determines that the adult in custody has no funds and will not have funds after reviewing deposits in the plaintiff's correctional-facility trust account). Plaintiff appeals the limited judgment, arguing that the trial court abused its discretion and legally erred when it denied waiver of the filing fees without holding a hearing to determine if plaintiff had the ability to pay them. On this day, we rejected a similar argument in *Smith v. Dept. of Corrections (A170818)*, 314 Or App 1, \_\_\_ P3d \_\_\_ (2021), and we likewise do so here.

Affirmed.