

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Keith Jerome Wright v. Rodriguez, et al.

No. 1:23-cv-01586-JLT-SAB (PC) · No. No. 1:23-cv-01586-JLT-SAB (PC) · Decided October 8, 2025

SUMMARY

The United States District Court for the Eastern District of California granted Elizabeth Stewart’s request for a refund of the \$405 filing fee paid on behalf of Keith Jerome Wright. The court explained that Wright had been reinstated to in forma pauperis status after the Ninth Circuit held that voluntary dismissals cannot count as strikes under 28 U.S.C. § 1915(g), and directed the court’s Financial Office to issue the refund.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Stanley A. Boone
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	October 8, 2025
DOCKET	No. 1:23-cv-01586-JLT-SAB (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, proceeding in a prisoner civil-rights action, requested a refund of the filing fee paid by Elizabeth Stewart after the court reinstated Plaintiff’s in forma pauperis status.
PRECEDENTIAL VALUE	Unpublished district court order; limited precedential value.

TOPICS

prisoners rights civil procedure remedies

PRACTICE AREAS

Prisoner civil rights In forma pauperis proceedings Civil procedure

QUESTIONS PRESENTED

- Whether the person who paid Plaintiff’s filing fee was entitled to a refund after Plaintiff’s in forma pauperis status was reinstated and the fee was to be collected from Plaintiff’s prison trust account.

HOLDINGS

1. Because Plaintiff was proceeding in forma pauperis and the filing fee would be collected from his prison trust account, Elizabeth Stewart's request for a refund of the \$405 filing fee was granted.

KEY QUOTATIONS

“Because Plaintiff is now proceeding in forma pauperis and the filing fee will be collected from his prison trust account, the request for a refund shall be granted.” (at 1)

FACTUAL BACKGROUND

Plaintiff was initially allowed to proceed in forma pauperis, but the court later determined that his litigation history subjected him to the three-strikes bar of 28 U.S.C. § 1915(g). Elizabeth Stewart paid the resulting \$405 filing fee on Plaintiff's behalf. After the court reinstated Plaintiff's in forma pauperis status, the filing fee was to be collected from Plaintiff's prison trust account, prompting Stewart to request a refund.

PROCEDURAL HISTORY

The court initially granted Plaintiff leave to proceed in forma pauperis but later revoked that status after determining that he was subject to the three-strikes bar under 28 U.S.C. § 1915(g), and ordered payment of the filing fee. Elizabeth Stewart paid the \$405 filing fee on Plaintiff's behalf. After the Ninth Circuit held that Rule 41(a)(1) voluntary dismissals cannot count as strikes, the court granted reconsideration, reinstated Plaintiff's in forma pauperis status, and denied Plaintiff's request for a refund because he could not file it on Stewart's behalf. Stewart then filed her own refund request, which the court granted.

DISPOSITION

other

CASES CITED

- Spencer v. Barajas, 2025 WL 1600926, at *5 (9th Cir. 2025)

OPINION

(PC)Wright
PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

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11 KEITH JEROME WRIGHT, No. 1:23-cv-01586-JLT-SAB (PC)

12 Plaintiff, ORDER GRANTING REQUEST FOR
REFUND OF FILING FEE

13 v. (ECF No. 33) 14 RODRIGUEZ, et al., 15 Defendants. 16 17 Plaintiff was initially granted

leave to proceed in forma pauperis in this action. However, upon review of Plaintiff's litigation history, the Court found Plaintiff is subject to the three strikes bar of 28 U.S.C. § 1915(g). Therefore, the Court revoked Plaintiff's in forma pauperis status, declared him a three-strike litigant, and ordered Plaintiff to pay the filing fee in full to proceed with this action. (ECF Nos. 13, 15.) On December 20, 2024, Elizabeth Stewart paid the filing fee on behalf of Plaintiff. Thereafter, on June 6, 2025, the Ninth Circuit determined that "Rule 41(a)(1) voluntary dismissals cannot count as strikes." *Spencer v. Barajas*, 2025 WL 1600926, at *5 (9th Cir. 2025). Following this determination, Plaintiff requested "his In Forma Pauperis Status be re-instated and the filing fee be returned to his family member. (ECF No. 31.) On July 1, 2025, the Court construed Plaintiff's filing as a motion or reconsideration, and the granted said motion reinstating Plaintiff's in forma pauperis status. (ECF No. 32.) It was further ordered that Plaintiff's motion for a refund was denied because it could not be filed on behalf of Elizabeth Stewart-who paid the filing fee. (Id.) On July 21, 2025, Elizabeth Stewart filed a request for a refund of the \$405.00 filing fee paid in this action. (ECF No. 33.) Because Plaintiff is now proceeding in forma pauperis and the filing fee will be collected from his prison trust account, the request for a refund shall be granted. Accordingly, it is HEREBY ORDERED that: 1. The request for refund of the \$405.00 filing fee, (ECF No. 33), is GRANTED; 2. The Financial Office of the Court is directed to refund the \$405.00 filing fee to Elizabeth Stewart at the address provided in the July 21, 2025 filing (ECF No. 11 33); and 3. The Clerk of the Court is directed to serve this order on the Financial Office of the Court.

IT IS SO ORDERED. FA. Se

Dated: _ October 8, 2025 "

STANLEY A. BOONE

United States Magistrate Judge