

**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

OPINION

(PC)Wright

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

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, 18 upon review of Plaintiff's litigation
history, the Court found Plaintiff is subject to the three strikes 19 bar of 28 U.S.C. § 1915(g).
Therefore, the Court revoked Plaintiff's in forma pauperis status, 20 declared him a three-strike
litigant, and ordered Plaintiff to pay the filing fee in full to proceed 21 with this action. (ECF Nos.
13, 15.) On December 20, 2024, Elizabeth Stewart paid the filing fee 22 on behalf of Plaintiff. 23
Thereafter, on June 6, 2025, the Ninth Circuit determined that "Rule 41(a)(1) voluntary 24
dismissals cannot count as strikes." *Spencer v. Barajas*, 2025 WL 1600926, at *5 (9th Cir. 2025).
25 Following this determination, Plaintiff requested "his In Forma Pauperis Status be re-instated
and 26 the filing fee be returned to his family member. (ECF No. 31.) On July 1, 2025, the Court
27 construed Plaintiff's filing as a motion or reconsideration, and the granted said motion
reinstating 28 1 | Plaintiffs in forma pauperis status. (ECF No. 32.) It was further ordered that
Plaintiff's motion 2 | for arefund was denied because it could not be filed on behalf of Elizabeth
Stewart-who paid the 3 | filing fee. (Id.) 4 On July 21, 2025, Elizabeth Stewart filed a request for a
refund of the \$405.00 filing fee 5 | paid in this action. (ECF No. 33.) Because Plaintiff is now
proceeding in forma pauperis and the 6 | filing fee will be collected from his prison trust account,
the request for a refund shall be granted. 7 Accordingly, it is **HEREBY ORDERED** that: 8 1. The
request for refund of the \$405.00 filing fee, (ECF No. 33), is **GRANTED**; 9 2. The Financial
Office of the Court is directed to refund the \$405.00 filing fee to 10 Elizabeth Stewart at the
address provided in the July 21, 2025 filing (ECF No. 11 33); and 12 3. The Clerk of the Court is
directed to serve this order on the Financial Office of the 13 Court. 14

15 IT IS SO ORDERED. FA. Se

16 | Dated: _ October 8, 2025 "

STANLEY A. BOONE

17 United States Magistrate Judge 18 19 20 21 22 23 24 25 26 27 28

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