

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Snell v. Tuolumne County

Snell · No. 1:25-cv-00507 KES GSA (PC) · Decided June 25, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Michael Snell’s motion to vacate orders and remove the magistrate judge from his § 1983 action against Tuolumne County and others. The court held that the referral to the magistrate judge was authorized and that the plaintiff was required to pay filing fees under 28 U.S.C. §§ 1914 and 1915, although payment could occur over time under the in forma pauperis provisions.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Gary S. Austin
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 25, 2025
DOCKET	1:25-cv-00507 KES GSA (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff, a pro se county jail inmate proceeding under 42 U.S.C. § 1983 and seeking in forma pauperis status, moved to vacate orders and remove the assigned magistrate judge based on alleged lack of subject-matter jurisdiction and an asserted right to proceed without paying filing fees.
STANDARD OF REVIEW	The court considered whether its prior orders were void and whether the referral and filing-fee requirements were lawful; no separate formal standard of review was stated.
PRECEDENTIAL VALUE	unpublished, nonprecedential district court order
PARTIES	Michael Snell v. Tuolumne County, et al.

TOPICS

- subject matter jurisdiction
- prisoners rights
- section 1983
- civil procedure

PRACTICE AREAS

civil procedure civil rights prisoner litigation

QUESTIONS PRESENTED

1. Whether the referral of the case to a magistrate judge was invalid or deprived the court of subject-matter jurisdiction because plaintiff had not consented to magistrate-judge jurisdiction.
2. Whether plaintiff had a constitutional or other legal right to proceed without paying filing fees.
3. Whether the court's orders were void and subject to vacatur on those grounds.

HOLDINGS

1. A referral to a magistrate judge under 28 U.S.C. § 636(b)(1)(B) and Local Rule 302 is lawful; a party's lack of consent does not make the referral or the court's orders void.
2. An inmate may commence an action without prepaying the filing fee in full when authorized to proceed in forma pauperis, but remains obligated to pay the entire filing fee over time.

KEY QUOTATIONS

“These statutes state that parties are required to pay a filing fee (see 28 U.S.C. § 1914(a)), and that inmates, though they may begin an action without the prepayment of filing fees in their entirety, they must still pay the whole filing fee, albeit over a period of time (see 28 U.S.C. §§ 1915(a)-(b)).” (at 2)

FACTUAL BACKGROUND

Michael Snell, a county jail inmate proceeding pro se, filed a § 1983 civil rights action against Tuolumne County and other defendants. He argued that the magistrate judge lacked subject-matter jurisdiction because Snell had not consented to magistrate-judge jurisdiction and that he had a right to petition the court without paying filing fees. He moved to vacate the court's orders and remove the magistrate judge.

PROCEDURAL HISTORY

Snell filed a civil rights action and an application to proceed in forma pauperis. The case was referred to a magistrate judge under 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. The court denied Snell's motion to vacate the orders and remove the magistrate judge.

DISPOSITION

other

CASES CITED

- McLean v. Jephson, 123 N.Y. 142, 25 N.E. 409
- Elliot v. Piersol, 1 Pet. 328, 340 (1828)
- Crandall v. Nevada, 75 U.S. 35 (1868)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 MICHAEL SNELL, No. 1:25-cv-00507 KES GSA (PC) 12 Plaintiff,
ORDER DENYING PLAINTIFF’S MOTION TO VACATE VOID ORDERS 13 v. (ECF No. 7)
14 TUOLUMNE COUNTY, et al., 15 Defendants. 16 17 Plaintiff, a county jail inmate proceeding
pro se, has filed this civil rights action seeking 18 relief under 42 U.S.C. § 1983 and has requested
authority pursuant to 28 U.S.C. § 1915 to 19 proceed in forma pauperis.

ECF No. 2 (in forma pauperis application). The matter was referred 20 to a United States
Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. 21 Before this Court
is Plaintiff’s motion to vacate void orders. ECF No. 7.

For the reasons 22 stated below, the motion will be denied. 23 I. PLAINTIFF’S MOTION TO
VACATE 24 In support of Plaintiff’s motion to vacate void orders, he states in relevant part that 25
because he has not consented to magistrate judge jurisdiction the undersigned has no subject 26
matter jurisdiction. See ECF No. 7 at 2.

In addition, citing to “McLean v. Jephson, 123 N.Y. 27 142, 25 N.E. 409,” Plaintiff further argues
that “without jurisdiction, the acts or judgments of the 28 court are void and open to collateral
attack.” ECF No. 7 at 2. These facts being the case, Plaintiff 1 contends that if a court is without
authority its judgments and orders are “regarded as nullities.” 2 Id. (citing to Elliot v. Piersol, 1
Pet.

328, 340 (1828)). 3 Finally, Plaintiff argues that Federal Rule of Evidence 201(B) requires the U.S.
District 4 Court to waive his filing fees because he has a “natural individual right to petition the
court 5 without fees.” ECF No. 7 at 3 (citing to Crandall v. Nevada, 75 U.S. 35 (1968)).

For these 6 reasons, Plaintiff requests that the District Court remove “Magistrates from my case,
void the 7 Magistrates orders, and hear my case against this tyrant Tuolumne county.” Id. 8 II.
DISCUSSION 9 Plaintiff’s motion will be denied for several reasons.

First, this case has been lawfully 10 referred to this Court consistent with 28 U.S.C. § 636(b)(1)(B)
and Local Rule 302. 11 Next, to the extent that Plaintiff argues that he has a constitutional right to
petition the 12 Court without paying the filing fees (see ECF No. 7 at 3), 28 U.S.C. §§ 1914 and
1915 clearly 13 indicate that this argument of Plaintiff’s is also without merit.

These statutes state that parties are 14 required to pay a filing fee (see 28 U.S.C. § 1914(a)), and
that inmates, though they may begin an 15 action without the prepayment of filing fees in their
entirety, they must still pay the whole filing 16 fee, albeit over a period of time (see 28 U.S.C. §§
1915(a)-(b)). 17 For these reasons, the Court’s orders are not “void,” as Plaintiff’s motion claims.

18 Therefore, the motion will be denied. 19 Accordingly, IT IS HEREBY ORDERED that
Plaintiff's motion to vacate void orders and 20 have Magistrate Judges removed from hearing his
case (ECF No. 7) is DENIED. 21 IT IS SO ORDERED. 22 23 Dated: June 24, 2025 /s/ Gary S.
Austin UNITED STATES MAGISTRATE JUDGE 24 25 26 27 28