

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.

OPINION

(PC) Snell v. Tuolumne County

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 FOR THE EASTERN DISTRICT OF CALIFORNIA

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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

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