

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Heredia v. CCI

Heredia · No. 1:16-cv-00788-KES-CDB · Decided March 31, 2025

SUMMARY

The United States District Court for the Eastern District of California denied Aaron Augustine Heredia’s request to remove his obligation to pay the filing fee under the Prison Litigation Reform Act. The court explained that proceeding in forma pauperis permits payment over time but does not waive the filing fee, and that Heredia remained responsible for the unpaid balance. As of February 19, 2025, \$43.14 had been collected, leaving a balance of \$306.86.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 31, 2025
DOCKET	1:16-cv-00788-KES-CDB
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff in a closed prisoner civil-rights action filed a post-judgment request to remove his obligation to pay the filing fee imposed under the Prison Litigation Reform Act.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Aaron Augustine Heredia v. CCI

TOPICS

- prisoners rights
- civil rights
- section 1983
- civil procedure

PRACTICE AREAS

- prisoner civil rights
- federal civil procedure

QUESTIONS PRESENTED

- Whether a prisoner who was granted leave to proceed in forma pauperis may have the remaining PLRA filing-fee obligation cancelled after the action has been filed and closed.

2. Whether indigency or dismissal of the action eliminates the prisoner's obligation to pay the full filing fee over time.

HOLDINGS

1. Granting in forma pauperis status permits a prisoner to proceed without prepayment of the filing fee; it does not waive the fee. Once the action is brought, the prisoner remains obligated to pay the full filing fee through deductions from the prison account, even after dismissal or closure of the case.

KEY QUOTATIONS

“The filing fee was not waived, and plaintiff remains obligated to pay the filing fee until the total amount is collected.” (at 2)

“The requirement to pay the full filing fee is triggered by bringing an action, not by continuing one.” (at 3)

FACTUAL BACKGROUND

Plaintiff was granted in forma pauperis status when he filed this § 1983 action, allowing him to proceed without prepayment of the filing fee. The action was dismissed with prejudice, but the filing fee obligation remained outstanding. As of February 19, 2025, plaintiff had paid \$43.14 of the \$350 filing fee and sought cancellation of the remaining \$306.86 based on his indigency.

PROCEDURAL HISTORY

The court granted plaintiff leave to proceed in forma pauperis in 2016. The action was later dismissed with prejudice for failure to state a cognizable claim, judgment was entered on March 12, 2018, and the Ninth Circuit dismissed plaintiff's appeal for lack of jurisdiction. In 2025, plaintiff filed a motion seeking removal of his PLRA obligation, which the district court denied.

DISPOSITION

other

CASES CITED

- Ramirez v. Perez, No. 1:22-cv-00564-JLT-SAB (PC), 2022 WL 2118964, at *1 (E.D. Cal. June 13, 2022)
- Duclairon v. LGBTQ Cmty. & Grace Cmty. Church Klan, No. 3:18-CV-01095-AC, 2018 WL 5085754, at *1 (D. Or. Oct. 17, 2018)
- Green v. Bank of America, No. 2:12-cv-02093-GED-CKD PS, 2012 WL 5032414, at *1 (E.D. Cal. Oct. 17, 2012)
- Slaughter v. Carey, No. CIVS03085 1IMCEDADP, 2007 WL 1865501, at *1 (E.D. Cal. June 28, 2007)
- Rodriguez v. Diaz, No. 1:19-cv-01118-AWI-JDP, 2020 WL 1433005, at *1 (E.D. Cal. Mar. 24, 2020)