

**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

OPINION

(PC) Heredia v. CCI

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 AARON AUGUSTINE HEREDIA, Case No.: 1:16-cv-00788-KES-CDB 12 Plaintiff,

ORDER DENYING PLAINTIFF’S REQUEST

TO REMOVE PLRA OBLIGATION

13 v. Doc. 36

14 CCI,

15 Defendant. 16

17 Plaintiff Aaron Augustine Heredia is proceeding pro se and in forma pauperis in this now- 18
closed civil rights action pursuant to 42 U.S.C. § 1983.

19 I. RELEVANT BACKGROUND

20 Plaintiff’s application to proceed in forma pauperis (IFP) was granted on June 21, 2016.

21 Doc. 10.

22 On December 11, 2017, the assigned magistrate judge issued findings and 23 recommendations
to dismiss the action with prejudice for plaintiff’s failure to state any 24 cognizable claims. Doc.
26. Plaintiff filed objections on December 29, 2017. Doc. 27. 25 On March 12, 2018, the assigned
district judge adopted the findings and recommendations 26 and judgment was entered that same
day. Docs. 28, 29. 27 Plaintiff appealed and on August 23, 2018, the Ninth Circuit Court of
Appeals dismissed the case for lack of jurisdiction. Doc. 33. That Court later denied plaintiff’s
motion for 1 reconsideration on January 24, 2019. Doc. 34. 2 On February 12, 2025, plaintiff filed
a single-page document, docketed as a “Motion to 3 Remove PLRA Obligation,” in this closed
action. Doc. 36.

4 II. DISCUSSION

5 Plaintiff’s filing, styled as a letter, states: “I wanted to know can I please have my PLRA 6
obligation removed? I am indigent.” Doc. 36. Plaintiff explains that he has filed many “court 7
filings and each time” the fees were “waived by the Court (granted)” due to his indigency. Id. 8
He concludes by asking if someone can help him “look into this and please have” his “PLRA 9

removed.” Id. 10 The Prison Litigation Reform Act (“PLRA”) provides as follows: 11 (a)(1) Subject to subsection (b), any court of the United States may authorize the commencement, prosecution or defense of any suit, 12 action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an 13 affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security 14 therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress. 15

(2) A prisoner seeking to bring a civil action or appeal a judgment in

16 a civil action or proceeding without prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph (1), 17 shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period 18 immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the 19 prisoner is or was confined. 20 28 U.S.C. § 1915(a)(1)–(2) (*italics added*). It further provides that “if a prisoner brings a civil 21 action . . . the prisoner shall be required to pay the full amount of the filing fee,” to be collected 22 over time from the prisoner’s account. 23 It appears plaintiff misunderstands his obligation. When plaintiff filed this action and his 24 application to proceed in forma pauperis was granted, he was proceeding without prepayment of 25 the applicable filing fee. The filing fee was not waived, and plaintiff remains obligated to pay the 26 filing fee until the total amount is collected. This was explained in the court’s June 21, 2016, 27 order. See Doc. 10. Specifically, the order directed the California Department of Corrections and 1 | twenty percent (20%) of the preceding month’s income credited to the prisoner’s trust account 2 | and... forward those payments to the Clerk of the Court each time the amount exceeds \$10.00, 3 | in accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected... □□ Doc. 4 | 10 at 2 (*emphasis omitted*). 5 “Filing fees are part of the costs of litigation, and prisoner cases are no exception.” 6 | Ramirez v. Perez, No. 1:22-cv-00564-JLT-SAB (PC), 2022 WL 2118964, at *1 (E.D. Cal. Jun. 7 | 13, 2022) (*cleaned up and citations omitted*). Filing fees for initiating a lawsuit in district court 8 | are authorized by 28 U.S.C. § 1914. Duclairon v. LGBTQ Cmty. & Grace Cmty. Church Klan, 9 | No. 3:18-CV-01095-AC, 2018 WL 5085754, at *1 (D. Or. Oct. 17, 2018) (*citing Green v. Bank 10 | of America, No. 2:12-cv-02093-GED-CKD PS, 2012 WL 5032414, at *1 (E.D. Cal. Oct. 17, 11 | } 2012) (denying refund of filing fee after pro se plaintiff voluntarily dismissed complaint)*). The 12 | PLRA has no provision for return of fees that are partially paid for or for cancellation of the 13 | remaining fee. Ramirez, 2022 WL 2118964, at *1 (*citing Slaughter v. Carey, No. 14 | CIVS03085 1IMCEDADP, 2007 WL 1865501, at *1 (E.D. Cal. Jun. 28, 2007)*). The requirement 15 || to pay the full filing fee is triggered by bringing an action, not by continuing one. Rodriguez v. 16 | Diaz, No. 1:19-cv-01118-AWI-JDP, 2020 WL 1433005, at *1 (E.D. Cal. Mar. 24, 2020). 17 Plaintiff filed this action, triggering the obligation to pay a filing fee. According to this 18 | Court’s financial department, as of February 19, 2025, payments totaling \$43.14 have been 19 | collected from plaintiff. Thus,

plaintiff remains obligated to pay the balance of \$306.86 for this 20 | action, for a total of \$350.00.
Plaintiffs request to remove his PLRA obligation is DENIED.

21 I. CONCLUSION AND ORDER

22 Accordingly, for the reasons explained above, plaintiffs request filed February 12, 2025 23 |
(Doc. 36) is DENIED. 24

95 | IT IS SO ORDERED. _

26 Dated: _ March 28, 2025 4h

37 UNITED STATES DISTRICT JUDGE

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