



(PC) Millner v. Biter

2014 | Cited 0 times | E.D. California | August 13, 2014

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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

Plaintiff James W. Millner is appearing pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On October 25, 2013, Plaintiff filed the initial complaint in the United States District Court for the Northern District of California. On December 9, 2013, the action was transferred to this Court, and received on December 12, 2013. There was no notation on the docket that Plaintiff paid the filing fee in the Northern District. On December 13, 2013, and April 1, 2014, the Court ordered Plaintiff to submit an application forma pauperis.

On June 11, 2014, Plaintiff filed a notice regarding the payment of the filing fee. Plaintiff contended that he paid the \$400.00 filing fee for this action in the Northern District prior to the transfer of the case to this Court. Plaintiff further indicated that he sent this Court twice a receipt JAMES W. MILLNER, Plaintiff, v. MARTIN BITER, et al., Defendants.

Case No.: 1:13-cv-02029-SAB (PC) ORDER VACATING ORDER GRANTING PLAINTIFF IN FORMA PAUPERIS STATUS AND DIRECTING CLERK OF COURT TO SERVE A COPY OF ORDER ON DIRECTOR OF CALIFORNIA DEPARTMENTN OF CORRECTIONS [ECF No. 19] 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28

showing that he paid the required filing fee for this action and he was forced to file an in forma pauperis application to prevent the action from being dismissed. On June 13, 2014, the Court informed Plaintiff that neither this Court nor the Northern District had any record of receiving the required filing fee for this action. In addition, Plaintiff was advised that the Court never received or viewed a copy of the receipt of payment of the filing fee. On August 12, 2014, this Court received notice from the United States District Court for the Northern District of California that Plaintiff had indeed paid the filing fee in that Court on November 26, 2013. Accordingly, IT IS HEREBY ORDERED that:

1. is VACATED;
2. The Clerk of Court is directed to serve a copy of this order on the Director of the California



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Department of Corrections; and 3. filing fee in this action.

IT IS SO ORDERED. Dated: August 13, 2014 UNITED STATES MAGISTRATE JUDGE

