

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

MATTHEW PAUL  
MARKOVICH,

Plaintiff,

v.

CASE NO. 10-3097-SAC

CORRECT CARE  
SOLUTIONS, et al.,

Defendants.

O R D E R

On July 8, 2010, this court entered an Order dismissing this action without prejudice and assessing the full filing fee against plaintiff for this action. Mr. Markovich has filed a Notice of Appeal that is currently pending, and has agreed to make partial payments to satisfy the appellate filing fees. The matter is currently before this court upon a letter submitted by Mr. Markovich that was construed and filed by this court as his Motion to Vacate Order Assessing Fee and Demanding Refund (Doc. 18). In this letter, plaintiff claims that this court was aware he was in a pending bankruptcy and could not legally collect the filing fee from him when it had not applied for and obtained an order from the bankruptcy court. This court is asked to stop collection and to refund amounts that had already been collected. He threatens to initiate civil actions against this court for damages.

The court finds that plaintiff voluntarily incurred the filing fee in this action apparently after he had filed for bankruptcy. He was forewarned in the court's initial screening order that he would be obligated to pay the full filing fee through payments automatically deducted from his inmate account if his

motion for leave to proceed without prepayment of fees was granted, and advised that federal law requires that he be assessed the full filing fee whether or not his complaint is dismissed upon screening. The court finds that no valid reason is alleged or exists and no authority is cited that entitles Mr. Markovich to the requested relief.

**IT IS THEREFORE ORDERED** that plaintiff's Motion to Vacate Order Assessing Fee and Demand for Refund (Doc. 18) is denied.

**IT IS SO ORDERED.**

Dated this 30<sup>th</sup> day of November, 2010, at Topeka, Kansas.

s/Sam A. Crow  
U. S. Senior District Judge