

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

WAYNE A. STEWART,

Plaintiff,

v.

Case No. 16-3189-JAR

JOE NORWOOD,

Defendant.

ORDER

Plaintiff has filed a motion (ECF No. 38) requesting that the court return the \$400 case filing fee he paid on November 14, 2016. Plaintiff suggests he might be more willing to accept defendant's settlement offer if the fee is refunded. The motion is denied.

Plaintiff has not cited any legal basis for returning the filing fee under the present facts, and the court knows of none.¹ The court previously denied a motion by plaintiff to allow him to proceed in forma pauperis (ECF No. 5), and plaintiff did not seek timely review of that order. Further, as a policy matter, the court finds it ill-advised to return filing fees solely for the purpose of promoting settlements. That is, as a practical matter,

¹ *Cf. Hinshaw v. Hampton*, No. 17-3129-SAC, 2017 WL 6371864, at *5 (D. Kan. Dec. 13, 2017) (“Plaintiff has not pointed to any authority for the Court to refund the filing fee in the event his complaint does not survive screening. Plaintiff’s request for a refund of the filing fee is denied.”); *Queen v. United States*, No. 05-3341-KHV, 2006 WL 3791321 at *1 (D. Kan. Dec. 22, 2006) (noting, “28 U.S.C. § 1915 does not permit a refund of a filing fee”).

granting plaintiff the requested relief would inappropriately get the court in the middle of settlement negotiations between the parties.

Plaintiff is hereby informed that, within 14 days after he is served with a copy of this order, he may, pursuant to Fed. R. Civ. P. 72 and D. Kan. Rule 72.1.4(a), file written objections to this order by filing a motion for review of this order. Plaintiff must file any objections within the 14-day period if he wants to have appellate review of this order.

IT IS SO ORDERED.

Dated January 25, 2018, at Kansas City, Kansas.

s/ James P. O'Hara
James P. O'Hara
U.S. Magistrate Judge