

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

LLOYD GEORGE MORGAN :
 :
 v. : PRISONER CASE NO.
 : 3:08-cv-713 (JCH)
 :
 D. BAKER, et al. : DECEMBER 8, 2008

RULING ON MOTION FOR RELIEF FROM JUDGMENT
AND MOTION FOR RECONSIDERATION [Doc. No. 11]

On June 24, 2008, the court dismissed this case without prejudice because plaintiff failed to exhaust his institutional remedies before filing suit. See Doc. No. 7. On November 5, 2008, the court granted plaintiff's motion that the dismissal be with prejudice and denied his request for waiver of the filing fee. Plaintiff now seeks reconsideration of the denial of the fee waiver.

To support his request, plaintiff has attached an October 24, 2008 Order from the Second Circuit waiving collection of the filing fee in the appeal in another case. See Doc. No. 11 at 5. Plaintiff does not provide a copy of the motion that was granted or indicate why the waiver request was made. A review of court records for other cases filed by plaintiff in this district reveals that at least one case was settled along with the appeal, and plaintiff requested waiver of any filing fees that had not been forwarded to the court as part of the settlement. See Morgan v. Johnson-Marcial, et al., No. 3:07cv1366 (JCH) (D. Conn. Nov. 3, 2008) (Doc. No. 43 Motion to Withdraw Complaint filed October 22, 2008 amd Doc. No. 46 Joint Motion for Waiver of Filing Fees filed October 27, 2008).

The fact that the District Court and Court of Appeals waived uncollected fees to

facilitate settlement does not support plaintiff's request to waive uncollected fees in a case that was previously dismissed. As previously stated, any prisoner filing a civil action is responsible for payment of the full filing fee. 28 U.S.C. § 1915(b)(1); see Jones v. Orth, 242 F.3d 389 (10th Cir. 2000) (holding that prisoner must pay filing fee even if complaint is dismissed).

Plaintiff's Motion for Relief from Judgment and Motion for Reconsideration [**Doc. No. 11**] is **DENIED**.

SO ORDERED at Bridgeport, Connecticut this 8th day of December, 2008.

/s/ Janet C. Hall
Janet C. Hall
United States District Judge