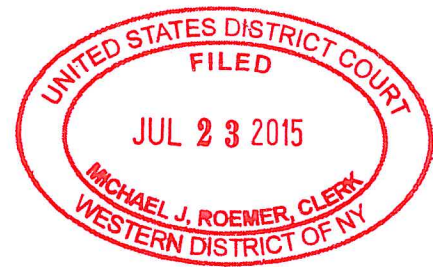


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

In the Matter of
Refunding Fees Paid Electronically
Through Pay.gov



ORDER

WHEREAS the Judicial Conference of the United States has generally prohibited the refunding of filing fees (JCUS-MAR 49), even if a party filed the case or the document in error, or the Court dismissed the case or proceeding; and

WHEREAS in March 2005, the Judicial Conference of the United States issued guidance endorsing limited refund authority by the Courts as a result of the increased likelihood of inadvertent, erroneous or duplicate payments made by parties using the Case Management/Electronic Case Files (CM/ECF) system; and

WHEREAS such guidance advised courts that determining appropriate policies and procedures for refunding erroneously applied filing fee payments be left to the sound discretion of each court. Therefore,

IT IS HEREBY ORDERED that

1. The Clerk of Court, or his designee, is authorized to refund all fees erroneously paid through the Pay.gov electronic filing fee tool in CM/ECF, such as duplicate charges or electronic system errors.
2. In instances where the Court or Clerk's Office discovers an error, the Clerk of Court, or his designee, may automatically initiate a refund.
3. Claimants seeking a refund must submit a request with the supporting documentation set forth below. The request must include the full name,

complete address, telephone number of the requesting party, and the reason for the refund. Supporting documentation must include the electronic payment receipt, Pay.gov tracking ID number, and the Notice(s) of Electronic Filing generated from the Court's CM/ECF system indicating the case number and date of transaction(s). The request and supporting documentation should be sent to the following address:

Financial Services Department
United States District Court
2 Niagara Square
Buffalo, NY 14202-3350

4. Upon verification of the error, the Finance Department shall process the refund to the same credit card from which the erroneous payment was made, and will forward notice of such to the appropriate individual for recording to the docket. Refund checks will not be issued.
5. If a claimant's refund request is denied, the claimant may seek reconsideration of the request from the Judge presiding over the case in which the subject document was filed, by filing a motion to that effect.
6. In the event that an attorney or law firm consistently errs when submitting fees and thereby repeatedly requests refunds, the Clerk of Court may request that the Court issue an Order to Show Cause as to why further requests for refunds should be considered.

SO ORDERED.

/s/Frank P. Geraci, Jr.
FRANK P. GERACI, JR.
Chief Judge
United States District Court

Dated: July 23, 2015
Rochester, New York