

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**AUTHORITY TO REFUND)
ERRONEOUS OR DUPLICATE)
ON-LINE FILING FEE PAYMENTS)**

GENERAL ORDER NO. 2006-08

Judicial Conference policy generally prohibits the clerk of the court from refunding filing fees. Implementation of the CM/ECF system, however, which permits parties to use credit cards to pay filing fees electronically via pay.gov, has resulted in an increased number of incorrect or duplicate online payments. To remedy the problem, the Judicial Conference in March 2005 approved guidance regarding the refund of erroneous or duplicate fees paid electronically.

Authority to approve a refund is a judicial determination, but the Judicial Conference decided that the chief judge may delegate authority to make the determination to the clerk of the court so long as the court has clear procedures that specify the type of refund that the clerk may approve.

Accordingly, the undersigned chief judge delegates authority to the clerk to approve refunds of filing fees paid electronically via pay.gov. The following procedures will govern such refunds.

1. The clerk may refund only:
 - A. Duplicate payments, i.e., those where the payor has inadvertently paid the filing fee more than once in the same case, resulting in two or more identical credit card charges.
 - B. Erroneous payments, i.e., those where the payor has inadvertently entered the wrong amount for the filing fee.
2. A payor may request a refund by either written motion or application addressed to the clerk. The motion or application should explain the circumstances leading to the request and the amount of the requested refund. The payor should electronically file

the motion or application in the case in which payor made the duplicate or erroneous payment.

3. The clerk may authorize a refund request, deny it, or refer it to chambers.
4. If the clerk denies a refund, the payor may, within 5 days, move to have the chief judge review the denial.
5. All authorized refunds shall be processed through the electronic credit card system, pay.gov. If the payor's credit card is no longer valid, a court will issue a check through the Treasury. In no event will the clerk make cash refunds.
6. If a filer repeatedly requests refunds for mistakes made when paying filing fees on line, the clerk may ask the chief judge to order remedial action, such as additional training, or to order the filer to show cause why the clerk should consider further requests for refunds.

This limited approval for the clerk to issue refunds does not otherwise amend the general refund policy.

IT IS SO ORDERED.

DATED 8th of August, 2006.

FOR THE COURT:

s/ Joseph F. Bataillon
Chief Judge