

determined in accordance with section 8114 of title 5, United States Code, and

(2) performance of duty as a juror includes that time when a juror is (A) in attendance at court pursuant to a summons, (B) in deliberation, (C) sequestered by order of a judge, or (D) at a site, by order of the court, for the taking of a view.

(Added Pub. L. 97-463, §3(1), Jan. 12, 1983, 96 Stat. 2531.)

§ 1878. Optional use of a one-step summoning and qualification procedure

(a) At the option of each district court, jurors may be summoned and qualified in a single procedure, if the court's jury selection plan so authorizes, in lieu of the two separate procedures otherwise provided for by this chapter. Courts shall ensure that a one-step summoning and qualification procedure conducted under this section does not violate the policies and objectives set forth in sections 1861 and 1862 of this title.

(b) Jury selection conducted under this section shall be subject to challenge under section 1867 of this title for substantial failure to comply with the provisions of this title in selecting the jury. However, no challenge under section 1867 of this title shall lie solely on the basis that a jury was selected in accordance with a one-step summoning and qualification procedure authorized by this section.

(Added Pub. L. 100-702, title VIII, §805(a), Nov. 19, 1988, 102 Stat. 4658; amended Pub. L. 102-572, title IV, §403(a), Oct. 29, 1992, 106 Stat. 4512.)

AMENDMENTS

1992—Pub. L. 102-572 substituted “Optional” for “Experimental” in section catchline and amended text generally. Prior to amendment, text read as follows:

“(a) The Judicial Conference of the United States is hereby authorized to develop and conduct an experiment in which jurors serving in a limited number of United States district courts shall be qualified and summoned in a single procedure, in lieu of the two separate procedures otherwise provided for by this chapter. The Judicial Conference shall designate the district courts to participate in this experiment, but in no event shall the number of courts participating exceed ten. An experiment may be conducted pursuant to this section for a period not to exceed 2 years. The Judicial Conference shall ensure that an experiment conducted pursuant to this section does not violate the policies and objectives set forth in sections 1861 and 1862 of this title, and shall terminate the experiment immediately if it determines that these policies and objectives are being violated or whenever in its judgment good cause for such termination exists.

“(b) Jury selection conducted pursuant to this section shall be subject to challenge under section 1867 of this title for substantial failure to comply with the provisions of this title in selecting the jury. However, no challenge under section 1867 of this title shall lie solely on the basis that a jury was selected in accordance with an experiment conducted pursuant to this section.”

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Jan. 1, 1993, see section 1101(a) of Pub. L. 102-572, set out as a note under section 905 of Title 2, The Congress.

SAVINGS PROVISION

Section 403(c) of Pub. L. 102-572 provided that: “For courts participating in the experiment authorized

under section 1878 of title 28, United States Code (as in effect before the effective date of this section [Jan. 1, 1993]), the amendment made by subsection (a) of this section [amending this section] shall be effective on and after January 1, 1992.”

CHAPTER 123—FEES AND COSTS

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AMENDMENTS

1996—Pub. L. 104-317, title IV, §403(a)(2), Oct. 19, 1996, 110 Stat. 3854, added item 1932 “Judicial Panel on Multidistrict Litigation”.

Pub. L. 104-134, title I, §101[(a)] [title VIII, §§805(b), 809(b)], Apr. 26, 1996, 110 Stat. 1321, 1321-75, 1321-76; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327, added item 1915A and item 1932 “Revocation of earned release credit”.

1992—Pub. L. 102-572, title IX, §§902(b)(2), 908(b)(2), Oct. 29, 1992, 106 Stat. 4516, 4519, substituted “Dismissal” for “District courts; dismissal” in item 1919 and “Court of Federal Claims” for “Claims Court” as item 1926.

1988—Pub. L. 100-702, title X, §1020(a)(8), Nov. 19, 1988, 102 Stat. 4672, substituted “court” for “courts” after “District” in item 1914.

1986—Pub. L. 99-500, §101(b) [title IV, §407(d)], Oct. 18, 1986, 100 Stat. 1783-39, 1783-64, and Pub. L. 99-591, §101(b) [title IV, §407(d)], Oct. 30, 1986, 100 Stat. 3341-39, 3341-64, added item 1931.

1984—Pub. L. 98-353, title I, §111(c), July 10, 1984, 98 Stat. 343, substituted “fees” for “courts” in item 1930. Notwithstanding directory language that the amendment be made to the table of sections for chapter 125 of this title, the amendment was executed to the table of sections for chapter 123 of this title to reflect the probable intent of Congress.

1982—Pub. L. 97-164, title I, §139(p)(2), Apr. 2, 1982, 96 Stat. 44, substituted “Claims Court” for “Court of Customs and Patent Appeals” in item 1926.

1978—Pub. L. 95-598, title II, §246(b), Nov. 6, 1978, 92 Stat. 2672, added item 1930.

CHANGE OF NAME

“United States magistrate judges” substituted for “United States magistrates” in item 1922 pursuant to

¹ So in original. Two sections 1932 have been enacted.

section 321 of Pub. L. 101-650, set out as a note under section 631 of this title. Previously, “United States magistrates” substituted for “United States commissioners” pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of this title.

§ 1911. Supreme Court

The Supreme Court may fix the fees to be charged by its clerk.

The fees of the clerk, cost of serving process, and other necessary disbursements incidental to any case before the court, may be taxed against the litigants as the court directs.

(June 25, 1948, ch. 646, 62 Stat. 954.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 330 (Mar. 3, 1911, ch. 231, § 223, 36 Stat. 1153).

The second paragraph was inserted to give statutory sanction to existing practice.

Changes were made in phraseology.

§ 1912. Damages and costs on affirmance

Where a judgment is affirmed by the Supreme Court or a court of appeals, the court in its discretion may adjudge to the prevailing party just damages for his delay, and single or double costs.

(June 25, 1948, ch. 646, 62 Stat. 954.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 878, and section 1141(c)(4) of title 26 U.S.C., 1940 ed., Internal Revenue Code (R.S. § 1010; Mar. 3, 1911, ch. 231, §§ 117, 289, 36 Stat. 1131, 1167; Feb. 10, 1939, ch. 2, § 1141(c)(4), 53 Stat. 165).

Section consolidates section 878 of title 28 with section 1141(c)(4) of title 26, both U.S.C., 1940 ed., with changes in phraseology necessary to effect consolidation.

Words “prevailing party” were substituted for “the respondents in error,” contained in said section 878 of title 28, since writs of error have been abolished.

SENATE REVISION AMENDMENT

By Senate amendment, all provisions relating to the Tax Court were eliminated. Therefore, section 1141(c)(4) of Title 26, U.S.C., Internal Revenue Code, was not one of the sources of this section as finally enacted. However, no change in the text of this section was necessary. See 80th Congress Senate Report No. 1559.

§ 1913. Courts of appeals

The fees and costs to be charged and collected in each court of appeals shall be prescribed from time to time by the Judicial Conference of the United States. Such fees and costs shall be reasonable and uniform in all the circuits.

(June 25, 1948, ch. 646, 62 Stat. 954.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 543 (Mar. 3, 1891, ch. 517, § 2, 26 Stat. 826; Feb. 19, 1897, ch. 263, 29 Stat. 536; Sept. 27, 1944, ch. 413, 58 Stat. 743).

Words “and in the United States Circuit Court of Appeals for the District of Columbia” were omitted as covered by “each court of appeals.”

Judicial Conference of Senior Circuit Judges was changed to Judicial Conference “of the United States” in conformity with section 331 of this title.

Changes were made in phraseology.

APPEALS FILED IN COURTS OF APPEALS

Pub. L. 109-171, title X, § 10001(b), Feb. 8, 2006, 120 Stat. 183, provided that: “The \$250 fee for docketing a

case on appeal or review, or docketing any other proceeding, in a court of appeals, as prescribed by the Judicial Conference, effective as of January 1, 2005, under section 1913 of title 28, United States Code, shall be increased to \$450.”

COURT FEES FOR ELECTRONIC ACCESS TO INFORMATION

Pub. L. 102-140, title III, § 303, Oct. 28, 1991, 105 Stat. 810, as amended by Pub. L. 104-317, title IV, § 403(b), Oct. 19, 1996, 110 Stat. 3854; Pub. L. 107-347, title II, § 205(e), Dec. 17, 2002, 116 Stat. 2915, provided that:

“(a) The Judicial Conference may, only to the extent necessary, prescribe reasonable fees, pursuant to sections 1913, 1914, 1926, 1930, and 1932 of title 28, United States Code, for collection by the courts under those sections for access to information available through automatic data processing equipment. These fees may distinguish between classes of persons, and shall provide for exempting persons or classes of persons from the fees, in order to avoid unreasonable burdens and to promote public access to such information. The Director of the Administrative Office of the United States Courts, under the direction of the Judicial Conference of the United States, shall prescribe a schedule of reasonable fees for electronic access to information which the Director is required to maintain and make available to the public.

“(b) The Judicial Conference and the Director shall transmit each schedule of fees prescribed under paragraph (a) to the Congress at least 30 days before the schedule becomes effective. All fees hereafter collected by the Judiciary under paragraph (a) as a charge for services rendered shall be deposited as offsetting collections to the Judiciary Automation Fund pursuant to 28 U.S.C. 612(c)(1)(A) to reimburse expenses incurred in providing these services.”

Similar provisions were contained in the following prior appropriation act:

Pub. L. 101-515, title IV, § 404, Nov. 5, 1990, 104 Stat. 2132.

§ 1914. District court; filing and miscellaneous fees; rules of court

(a) The clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing fee of \$350, except that on application for a writ of habeas corpus the filing fee shall be \$5.

(b) The clerk shall collect from the parties such additional fees only as are prescribed by the Judicial Conference of the United States.

(c) Each district court by rule or standing order may require advance payment of fees.

(June 25, 1948, ch. 646, 62 Stat. 954; Pub. L. 95-598, title II, § 244, Nov. 6, 1978, 92 Stat. 2671; Pub. L. 99-336, § 4(a), June 19, 1986, 100 Stat. 637; Pub. L. 99-500, § 101(b) [title IV, § 407(a)], Oct. 18, 1986, 100 Stat. 1783-39, 1783-64, and Pub. L. 99-591, § 101(b) [title IV, § 407(a)], Oct. 30, 1986, 100 Stat. 3341-39, 3341-64; Pub. L. 104-317, title IV, § 401(a), Oct. 19, 1996, 110 Stat. 3853; Pub. L. 108-447, div. B, title III, § 307(a), Dec. 8, 2004, 118 Stat. 2895; Pub. L. 109-171, title X, § 10001(a), Feb. 8, 2006, 120 Stat. 183.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §§ 549, 553 and 555 (R.S. § 828; June 28, 1902, ch. 1301, § 1, 32 Stat. 476; Feb. 11, 1925, ch. 204, §§ 2, 6, 8, 43 Stat. 857, 858; Jan. 22, 1927, ch. 50, § 2, 44 Stat. 1023; Jan. 31, 1928, ch. 14, § 1, 45 Stat. 54; Mar. 3, 1942, ch. 124, § 2, 56 Stat. 122; Sept. 27, 1944, ch. 414, §§ 1, 4, 5, 58 Stat. 743, 744).

Section consolidates sections 549, 553, and 555 of title 28, U.S.C., 1940 ed., as amended with necessary changes of phraseology.

The phrase “filing fee” was substituted for the inconsistent and misleading words of sections 549 and 553 of title 28, U.S.C., 1940 ed., “as full payment for all services to be rendered by the clerk” etc. thus removing the necessity for including exceptions and referring to other sections containing provisions for additional fees.

The provision in section 549 of title 28, U.S.C., 1940 ed., for payment of fees by the parties instituting criminal proceedings by indictment or information, was omitted. Such proceedings are instituted only by the United States from which costs cannot be exacted.

The provision in section 549 of title 28, U.S.C., 1940 ed., for taxation of fees as costs, was omitted as covered by section 1920 of this title.

Words “or appeal from a deportation order of a United States Commissioner” in section 553 of title 28, U.S.C., 1940 ed., were omitted as obsolete since repeal of the Chinese Exclusion Act by act Dec. 17, 1943, ch. 344, §1, 57 Stat. 600. Appeal was formerly conferred by section 282 of title 8, U.S.C., 1940 ed., Aliens and Nationality.

Subsection (d) excepting the District of Columbia, was added to preserve the existing schedule of fees prescribed by section 11-1509 of the District of Columbia Code, 1940 ed.

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

AMENDMENTS

2006—Subsec. (a). Pub. L. 109-171 substituted “\$350” for “\$250”.

2004—Subsec. (a). Pub. L. 108-447 substituted “\$250” for “\$150”.

1996—Subsec. (a). Pub. L. 104-317 substituted “\$150” for “\$120”.

1986—Subsec. (a). Pub. L. 99-500 and Pub. L. 99-591 substituted “\$120” for “\$60”.

Subsec. (d). Pub. L. 99-336 struck out subsec. (d) which provided that section was not applicable to District of Columbia.

1978—Subsec. (a). Pub. L. 95-598 substituted “\$60” for “\$15”.

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-171, title X, §10001(d), Feb. 8, 2006, 120 Stat. 184, provided that: “This section [amending this section and enacting provisions set out as notes under sections 1913 and 1931 of this title] and the amendment made by this section shall take effect 60 days after the date of the enactment of this Act [Feb. 8, 2006].”

EFFECTIVE DATE OF 2004 AMENDMENT

Pub. L. 108-447, div. B, title III, §307(c), Dec. 8, 2004, 118 Stat. 2895, provided that: “This section [amending this section and section 1931 of this title] shall take effect 60 days after the date of the enactment of this Act [Dec. 8, 2004].”

EFFECTIVE DATE OF 1996 AMENDMENT

Section 401(c) of Pub. L. 104-317 provided that: “This section [amending this section and section 1931 of this title] shall take effect 60 days after the date of the enactment of this Act [Oct. 19, 1996].”

EFFECTIVE DATE OF 1986 AMENDMENT

Section 4(c) of Pub. L. 99-336 provided that: “The amendments made by this section [amending this section] shall apply with respect to any civil action, suit, or proceeding instituted on or after the date of the enactment of this Act [June 19, 1986].”

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(c) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

COURT FEES FOR ELECTRONIC ACCESS TO INFORMATION

Judicial Conference to prescribe reasonable fees for collection by courts under this section for access to in-

formation available through automatic data processing equipment and fees to be deposited in Judiciary Automation Fund, see section 303 of Pub. L. 102-140, set out as a note under section 1913 of this title.

§ 1915. Proceedings in forma pauperis

(a)(1) Subject to subsection (b), any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant’s belief that the person is entitled to redress.

(2) A prisoner seeking to bring a civil action or appeal a judgment in a civil action or proceeding without prepayment of fees or security therefor, in addition to filing the affidavit filed under paragraph (1), shall submit a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint or notice of appeal, obtained from the appropriate official of each prison at which the prisoner is or was confined.

(3) An appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.

(b)(1) Notwithstanding subsection (a), if a prisoner brings a civil action or files an appeal in forma pauperis, the prisoner shall be required to pay the full amount of a filing fee. The court shall assess and, when funds exist, collect, as a partial payment of any court fees required by law, an initial partial filing fee of 20 percent of the greater of—

(A) the average monthly deposits to the prisoner’s account; or

(B) the average monthly balance in the prisoner’s account for the 6-month period immediately preceding the filing of the complaint or notice of appeal.

(2) After payment of the initial partial filing fee, the prisoner shall be required to make monthly payments of 20 percent of the preceding month’s income credited to the prisoner’s account. The agency having custody of the prisoner shall forward payments from the prisoner’s account to the clerk of the court each time the amount in the account exceeds \$10 until the filing fees are paid.

(3) In no event shall the filing fee collected exceed the amount of fees permitted by statute for the commencement of a civil action or an appeal of a civil action or criminal judgment.

(4) In no event shall a prisoner be prohibited from bringing a civil action or appealing a civil or criminal judgment for the reason that the prisoner has no assets and no means by which to pay the initial partial filing fee.

(c) Upon the filing of an affidavit in accordance with subsections (a) and (b) and the prepayment of any partial filing fee as may be required under subsection (b), the court may direct payment by the United States of the expenses of (1) printing the record on appeal in any civil or criminal case, if such printing is required by the

appellate court; (2) preparing a transcript of proceedings before a United States magistrate judge in any civil or criminal case, if such transcript is required by the district court, in the case of proceedings conducted under section 636(b) of this title or under section 3401(b) of title 18, United States Code; and (3) printing the record on appeal if such printing is required by the appellate court, in the case of proceedings conducted pursuant to section 636(c) of this title. Such expenses shall be paid when authorized by the Director of the Administrative Office of the United States Courts.

(d) The officers of the court shall issue and serve all process, and perform all duties in such cases. Witnesses shall attend as in other cases, and the same remedies shall be available as are provided for by law in other cases.

(e)(1) The court may request an attorney to represent any person unable to afford counsel.

(2) Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that—

- (A) the allegation of poverty is untrue; or
- (B) the action or appeal—
 - (i) is frivolous or malicious;
 - (ii) fails to state a claim on which relief may be granted; or
 - (iii) seeks monetary relief against a defendant who is immune from such relief.

(f)(1) Judgment may be rendered for costs at the conclusion of the suit or action as in other proceedings, but the United States shall not be liable for any of the costs thus incurred. If the United States has paid the cost of a stenographic transcript or printed record for the prevailing party, the same shall be taxed in favor of the United States.

(2)(A) If the judgment against a prisoner includes the payment of costs under this subsection, the prisoner shall be required to pay the full amount of the costs ordered.

(B) The prisoner shall be required to make payments for costs under this subsection in the same manner as is provided for filing fees under subsection (a)(2).

(C) In no event shall the costs collected exceed the amount of the costs ordered by the court.

(g) In no event shall a prisoner bring a civil action or appeal a judgment in a civil action or proceeding under this section if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

(h) As used in this section, the term “prisoner” means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.

(June 25, 1948, ch. 646, 62 Stat. 954; May 24, 1949, ch. 139, § 98, 63 Stat. 104; Oct. 31, 1951, ch. 655, § 51(b), (c), 65 Stat. 727; Pub. L. 86-320, Sept. 21,

1959, 73 Stat. 590; Pub. L. 96-82, § 6, Oct. 10, 1979, 93 Stat. 645; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117; Pub. L. 104-134, title I, § 101[(a)] [title VIII, § 804(a), (c)-(e)], Apr. 26, 1996, 110 Stat. 1321, 1321-73 to 1321-75; renumbered title I, Pub. L. 104-140, § 1(a), May 2, 1996, 110 Stat. 1327.)

HISTORICAL AND REVISION NOTES

1948 ACT

Based on title 28, U.S.C., 1940 ed., §§ 9a(c)(e), 832, 833, 834, 835, and 836 (July 20, 1892, ch. 209, §§ 1-5, 27 Stat. 252; June 25, 1910, ch. 435, 36 Stat. 866; Mar. 3, 1911, ch. 231, § 5a, as added Jan. 20, 1944, ch. 3, § 1, 58 Stat. 5; June 27, 1922, ch. 246, 42 Stat. 666; Jan. 31, 1928, ch. 14, § 1, 45 Stat. 54).

Section consolidates a part of section 9a(c)(e) with sections 832-836 of title 28, U.S.C., 1940 ed.

For distribution of other provisions of section 9a of title 28, U.S.C., 1940 ed., see Distribution Table.

Section 832 of title 28, U.S.C., 1940 ed., was completely rewritten, and constitutes subsections (a) and (b).

Words “and willful false swearing in any affidavit provided for in this section or section 832 of this title, shall be punishable as perjury as in other cases,” in section 833 of title 28, U.S.C., 1940 ed., were omitted as covered by the general perjury statute, title 18, U.S.C., 1940 ed., § 231 (H.R. 1600, 80th Cong., sec. 1621).

A proviso in section 836 of title 28, U.S.C., 1940 ed., that the United States should not be liable for costs was deleted as covered by section 2412 of this title.

The provision in section 9a(e) of title 28, U.S.C., 1940 ed., respecting stenographic transcripts furnished on appeals in civil cases is extended by subsection (b) of the revised section to include criminal cases. Obviously it would be inconsistent to furnish the same to a poor person in a civil case involving money only and to deny it in a criminal proceeding where life and liberty are in jeopardy.

The provision of section 832 of title 28, U.S.C., 1940 ed., for payment when authorized by the Attorney General was revised to substitute the Director of the Administrative Office of the United States Courts who now disburses such items.

Changes in phraseology were made.

1949 ACT

This amendment clarifies the meaning of subsection (b) of section 1915 of title 28, U.S.C., and supplies, in subsection (e) of section 1915, an inadvertent omission to make possible the recovery of public funds expended in printing the record for persons successfully suing in forma pauperis.

AMENDMENTS

1996—Subsec. (a). Pub. L. 104-134, § 101[(a)] [title VIII, § 804(a)(1)], designated first paragraph as par. (1), substituted “Subject to subsection (b), any” for “Any”, struck out “and costs” after “of fees”, substituted “submits an affidavit that includes a statement of all assets such prisoner possesses” for “makes affidavit”, substituted “such fees” for “such costs”, substituted “the person” for “he” in two places, added par. (2), and designated last paragraph as par. (3).

Subsec. (b). Pub. L. 104-134, § 101[(a)] [title VIII, § 804(a)(3)], added subsec. (b). Former subsec. (b) redesignated (c).

Subsec. (c). Pub. L. 104-134, § 101[(a)] [title VIII, § 804(a)(2), (4)], redesignated subsec. (b) as (c) and substituted “subsections (a) and (b) and the prepayment of any partial filing fee as may be required under subsection (b)” for “subsection (a) of this section”. Former subsec. (c) redesignated (d).

Subsec. (d). Pub. L. 104-134, § 101[(a)] [title VIII, § 804(a)(2)], redesignated subsec. (c) as (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 104-134, § 101[(a)] [title VIII, § 804(a)(5)], amended subsec. (e) generally. Prior to

amendment, subsec. (e) read as follows: “The court may request an attorney to represent any such person unable to employ counsel and may dismiss the case if the allegation of poverty is untrue, or if satisfied that the action is frivolous or malicious.”

Pub. L. 104-134, §101[(a)] [title VIII, §804(a)(2)], redesignated subsec. (d) as (e). Former subsec. (e) redesignated (f).

Subsec. (f). Pub. L. 104-134, §101[(a)] [title VIII, §804(a)(2), (c)], redesignated subsec. (e) as (f), designated existing provisions as par. (1) and substituted “proceedings” for “cases”, and added par. (2).

Subsec. (g). Pub. L. 104-134, §101[(a)] [title VIII, §804(d)], added subsec. (g).

Subsec. (h). Pub. L. 104-134, §101[(a)] [title VIII, §804(e)], added subsec. (h).

1979—Subsec. (b). Pub. L. 96-82 substituted “Upon the filing of an affidavit in accordance with subsection (a) of this section, the court may direct payment by the United States of the expenses of (1) printing the record on appeal in any civil or criminal case, if such printing is required by the appellate court; (2) preparing a transcript of proceedings before a United States magistrate in any civil or criminal case, if such transcript is required by the district court, in the case of proceedings conducted under section 636(b) of this title or under section 3401(b) of title 18, United States Code; and (3) printing the record on appeal if such printing is required by the appellate court, in the case of proceedings conducted pursuant to section 636(c) of this title” and “Such expenses shall be paid when authorized by the Director of the Administrative Office of the United States Courts” for “In any civil or criminal case the court may, upon the filing of a like affidavit, direct that the expense of printing the record on appeal, if such printing is required by the appellate court, be paid by the United States, and the same shall be paid when authorized by the Director of the Administrative Office of the United States Courts”.

1959—Subsec. (a). Pub. L. 86-320 substituted “person” for “citizen”.

1951—Subsec. (b). Act Oct. 31, 1951, struck out “furnishing a stenographic transcript and” after “expense of”.

Subsec. (e). Act Oct. 31, 1951, inserted provision that the United States shall not be liable for any of the costs incurred.

1949—Subsec. (b). Act May 24, 1949, §98(a), inserted “such printing is” between “if” and “required”.

Subsec. (e). Act May 24, 1949, §98(b), inserted “or printed record” after “stenographic transcript”.

CHANGE OF NAME

“United States magistrate judge” substituted for “United States magistrate” in subsec. (c) pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of this title.

§ 1915A. Screening

(a) SCREENING.—The court shall review, before docketing, if feasible or, in any event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner seeks redress from a governmental entity or officer or employee of a governmental entity.

(b) GROUNDS FOR DISMISSAL.—On review, the court shall identify cognizable claims or dismiss the complaint, or any portion of the complaint, if the complaint—

- (1) is frivolous, malicious, or fails to state a claim upon which relief may be granted; or
- (2) seeks monetary relief from a defendant who is immune from such relief.

(c) DEFINITION.—As used in this section, the term “prisoner” means any person incarcerated or detained in any facility who is accused of,

convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program.

(Added Pub. L. 104-134, title I, §101[(a)] [title VIII, §805(a)], Apr. 26, 1996, 110 Stat. 1321, 1321-75; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

§ 1916. Seamen’s suits

In all courts of the United States, seamen may institute and prosecute suits and appeals in their own names and for their own benefit for wages or salvage or the enforcement of laws enacted for their health or safety without prepaying fees or costs or furnishing security therefor.

(June 25, 1948, ch. 646, 62 Stat. 955.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §837 (June 12, 1917, ch. 27, §1, 40 Stat. 157; July 1, 1918, ch. 113, §1, 40 Stat. 683).

Changes in phraseology were made.

§ 1917. District courts; fee on filing notice of or petition for appeal

Upon the filing of any separate or joint notice of appeal or application for appeal or upon the receipt of any order allowing, or notice of the allowance of, an appeal or of a writ of certiorari \$5 shall be paid to the clerk of the district court, by the appellant or petitioner.

(June 25, 1948, ch. 646, 62 Stat. 955.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §552 (Feb. 11, 1925, ch. 204, §5, 43 Stat. 857; Jan. 31, 1928, ch. 14, §1, 45 Stat. 54; Sept. 27, 1944, ch. 414, §3, 58 Stat. 744).

Words “to the clerk of the district court” were added to clarify the intent of Congress, as shown by the title of the 1944 act containing this section, and by the text of such Act in its entirety.

Words “as an additional fee in said suit or action, or proceeding in bankruptcy” were omitted. The entire text of the basic 1944 act shows that Congress intended it to apply to all actions, suits and proceedings, including bankruptcy proceedings, and nowhere else in such act is any reference made to bankruptcy proceedings.

Changes were made in phraseology.

§ 1918. District courts; fines, forfeitures and criminal proceedings

(a) Costs shall be included in any judgment, order, or decree rendered against any person for the violation of an Act of Congress in which a civil fine or forfeiture of property is provided for.

(b) Whenever any conviction for any offense not capital is obtained in a district court, the court may order that the defendant pay the costs of prosecution.

(June 25, 1948, ch. 646, 62 Stat. 955.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §822 (R.S. §974).

Changes were made in phraseology.

§ 1919. Dismissal for lack of jurisdiction

Whenever any action or suit is dismissed in any district court, the Court of International

Trade, or the Court of Federal Claims for want of jurisdiction, such court may order the payment of just costs.

(June 25, 1948, ch. 646, 62 Stat. 955; Pub. L. 96-417, title V, § 510, Oct. 10, 1980, 94 Stat. 1743; Pub. L. 102-572, title IX, § 908(a), (b)(1), Oct. 29, 1992, 106 Stat. 4519.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 80 (Mar. 3, 1911, ch. 231, § 37, 36 Stat. 1098).

Words “dismissed for want of jurisdiction” were substituted for “it shall appear to the satisfaction of the said district court, at any time after such suit has been brought or removed thereto, that such suit does not really and substantially involve a dispute or controversy properly within the jurisdiction of said district court”. The substituted language is sufficient. (See reviser’s note under section 1359 of this title.) The provisions of section 80 of title 28, U.S.C., 1940 ed., relating to dismissal for improper or collusive joinder in removal proceedings, are incorporated in section 1359 of this title. Other provisions of section 80 of title 28, U.S.C., 1940 ed., appear in section 1447 of this title.

Changes were made in phraseology.

AMENDMENTS

1992—Pub. L. 102-572 substituted “Dismissal” for “District courts; dismissal” in section catchline and inserted reference to Court of Federal Claims in text.

1980—Pub. L. 96-417 included dismissals in Court of International Trade for want of jurisdiction.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-417 applicable with respect to civil actions commenced on or after Nov. 1, 1980, see section 701(b)(1)(E) of Pub. L. 96-417, set out as a note under section 251 of this title.

§ 1920. Taxation of costs

A judge or clerk of any court of the United States may tax as costs the following:

- (1) Fees of the clerk and marshal;
- (2) Fees for printed or electronically recorded transcripts necessarily obtained for use in the case;
- (3) Fees and disbursements for printing and witnesses;
- (4) Fees for exemplification and the costs of making copies of any materials where the copies are necessarily obtained for use in the case;
- (5) Docket fees under section 1923 of this title;
- (6) Compensation of court appointed experts, compensation of interpreters, and salaries, fees, expenses, and costs of special interpretation services under section 1828 of this title.

A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree.

(June 25, 1948, ch. 646, 62 Stat. 955; Pub. L. 95-539, § 7, Oct. 28, 1978, 92 Stat. 2044; Pub. L. 110-406, § 6, Oct. 13, 2008, 122 Stat. 4292.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §§ 9a(a) and 830 (R.S. § 983; Mar. 3, 1911, ch. 231, § 5a, as added Jan. 20, 1944, ch. 3, § 1, 58 Stat. 5).

For distribution of other provisions of section 9a of title 28, U.S.C., 1940 ed., see table at end of reviser’s notes.

Word “may” was substituted for “shall” before “tax as costs,” in view of Rule 54(d) of the Federal Rules of Civil Procedure, providing for allowance of costs to the prevailing party as of course “unless the court otherwise directs”.

Changes were made in phraseology.

AMENDMENTS

2008—Par. (2). Pub. L. 110-406, § 6(1), substituted “for printed or electronically recorded transcripts” for “of the court reporter for all or any part of the stenographic transcript”.

Par. (4). Pub. L. 110-406, § 6(2), substituted “the costs of making copies of any materials where the copies are” for “copies of papers”.

1978—Par. (6). Pub. L. 95-539 added par. (6).

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-539 effective Oct. 28, 1978, see section 10(a) of Pub. L. 95-539, set out as a note under section 602 of this title.

§ 1921. United States marshal’s fees

(a)(1) The United States marshals or deputy marshals shall routinely collect, and a court may tax as costs, fees for the following:

(A) Serving a writ of possession, partition, execution, attachment in rem, or libel in admiralty, warrant, attachment, summons, complaints, or any other writ, order or process in any case or proceeding.

(B) Serving a subpoena or summons for a witness or appraiser.

(C) Forwarding any writ, order, or process to another judicial district for service.

(D) The preparation of any notice of sale, proclamation in admiralty, or other public notice or bill of sale.

(E) The keeping of attached property (including boats, vessels, or other property attached or libeled), actual expenses incurred, such as storage, moving, boat hire, or other special transportation, watchmen’s or keepers’ fees, insurance, and an hourly rate, including overtime, for each deputy marshal required for special services, such as guarding, inventorying, and moving.

(F) Copies of writs or other papers furnished at the request of any party.

(G) Necessary travel in serving or endeavoring to serve any process, writ, or order, except in the District of Columbia, with mileage to be computed from the place where service is returnable to the place of service or endeavor.

(H) Overtime expenses incurred by deputy marshals in the course of serving or executing civil process.

(2) The marshals shall collect, in advance, a deposit to cover the initial expenses for special services required under paragraph (1)(E), and periodically thereafter such amounts as may be necessary to pay such expenses until the litigation is concluded. This paragraph applies to all private litigants, including seamen proceeding pursuant to section 1916 of this title.

(3) For purposes of paragraph (1)(G), if two or more services or endeavors, or if an endeavor and a service, are made in behalf of the same party in the same case on the same trip, mileage

shall be computed to the place of service or endeavor which is most remote from the place where service is returnable, adding thereto any additional mileage traveled in serving or endeavoring to serve in behalf of the party. If two or more writs of any kind, required to be served in behalf of the same party on the same person in the same case or proceeding, may be served at the same time, mileage on only one such writ shall be collected.

(b) The Attorney General shall from time to time prescribe by regulation the fees to be taxed and collected under subsection (a). Such fees shall, to the extent practicable, reflect the actual and reasonable cost of the service provided.

(c)(1) The United States Marshals Service shall collect a commission of 3 percent of the first \$1,000 collected and 1½ percent on the excess of any sum over \$1,000, for seizing or levying on property (including seizures in admiralty), disposing of such property by sale, setoff, or otherwise, and receiving and paying over money, except that the amount of commission shall be within the range set by the Attorney General, if¹ the property is not disposed of by marshal's sale, the commission shall be in such amount, within the range set by the Attorney General, as may be allowed by the court. In any case in which the vessel or other property is sold by a public auctioneer, or by some party other than a marshal or deputy marshal, the commission authorized under this subsection shall be reduced by the amount paid to such auctioneer or other party. This subsection applies to any judicially ordered sale or execution sale, without regard to whether the judicial order of sale constitutes a seizure or levy within the meaning of State law. This subsection shall not apply to any seizure, forfeiture, sale, or other disposition of property pursuant to the applicable provisions of law amended by the Comprehensive Forfeiture Act of 1984 (98 Stat. 2040).

(2) The Attorney General shall prescribe from time to time regulations which establish a minimum and maximum amount for the commission collected under paragraph (1).

(d) The United States marshals may require a deposit to cover the fees and expenses prescribed under this section.

(e) Notwithstanding section 3302 of title 31, the United States Marshals Service is authorized, to the extent provided in advance in appropriations Acts—

(1) to credit to such Service's appropriation all fees, commissions, and expenses collected by such Service for—

(A) the service of civil process, including complaints, summonses, subpoenas, and similar process; and

(B) seizures, levies, and sales associated with judicial orders of execution; and

(2) to use such credited amounts for the purpose of carrying out such activities.

(June 25, 1948, ch. 646, 62 Stat. 955; Sept. 9, 1950, ch. 937, 64 Stat. 824; Pub. L. 87-621, § 1, Aug. 31, 1962, 76 Stat. 417; Pub. L. 99-646, § 39(a), Nov. 10, 1986, 100 Stat. 3600; Pub. L. 100-690, title VII, § 7608(c), Nov. 18, 1988, 102 Stat. 4515; Pub. L.

101-647, title XII, § 1212, Nov. 29, 1990, 104 Stat. 4833.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 574 (R.S. §§ 823, 829; May 28, 1896, ch. 252, § 6, 29 Stat. 179; May 29, 1930, ch. 356, 46 Stat. 486; Aug. 3, 1935, ch. 431, § 2, 49 Stat. 513).

Provisions for serving venirens and summoning grand and petit jurors were omitted as useless since marshal's fees are now covered into the Treasury and there is no basis for apportioning the cost of summoning jurors for a term of court and taxing the same to individual cases.

The marshal's fee "for holding a court of inquiry or other proceedings before a jury, including summoning a jury, \$5" is omitted as obsolete in the Federal practice. See, Black's Law Dictionary "Court of Inquiry." See, also, Webster's International Dictionary.

A fee of 50 cents "for each bail bond" is omitted as covered by the general provision for taxation of marshal's fees in criminal cases.

The provisions for a fee of \$5 for drawing and executing a deed and \$1 for executing a deed prepared by a party or his attorney are omitted as unnecessary. It is the marshal's duty to execute conveyances of property which he sells on execution and his salary compensates him therefor. There is no occasion for him to draw such a deed and no beneficial purpose in taxing the parties a fee for his signature.

The 2 per centum fee for disbursing moneys is omitted as an unnecessary burden upon funds belonging to litigants.

The provision that a folio consists of "100 words or major fraction thereof" is inserted to conform with section 607 of title 28, U.S.C., 1940 ed., which is transferred to title 44, U.S.C., 1940 ed., Public Printing and Documents, along with section 606 of said title 28, to which said section 607 also relates.

The provision for a lump sum to be determined by the court and taxed in criminal cases was added. It fixes a maximum of \$25 in misdemeanor cases and \$100 in felony cases. It may be questioned whether costs as such should ever be taxed against the convicted defendant in a criminal case. The acquitted defendant is not permitted to tax costs against the United States. Indeed the allowance of costs in criminal cases is not a matter of right but rests completely within the discretion of the court. *Morris v. United States*, 1911, 185 Fed. 73, 107 C.C.A. 293.

In *Liberty v. U.S.*, C.C.A.9, 1937, 91 F.2d 461, the defendant was fined \$100 on each of 11 accounts of an indictment under the 1906 Food and Drug Act (title 21, §§ 2, 10, U.S.C., 1934 ed., as amended). Costs of prosecution were taxed in the sum of \$1,499.80. Yet the court in its discretion might have reached substantially the same result by imposing a fine of \$200 on each count without any taxation of costs.

Changes were made in phraseology.

REFERENCES IN TEXT

The Comprehensive Forfeiture Act of 1984, referred to in subsec. (c)(1), is chapter III of title II of Pub. L. 98-473, Oct. 12, 1984, 98 Stat. 2040, as amended. For complete classification of this Act to the Code, see Short Title of 1984 Amendment note set out under section 1961 of Title 18, Crimes and Criminal Procedure, and Tables.

AMENDMENTS

1990—Subsec. (c)(1). Pub. L. 101-647 substituted "if the property is not disposed of by marshal's sale" for "if the property is to be disposed of by marshal's sale".

1988—Pub. L. 100-690 added subsecs. (a) to (d), struck out former subsecs. (a) and (b), and redesignated former subsec. (c) as (e).

1986—Pub. L. 99-646 designated existing provisions as subsec. (a) with pars. (1) to (9) and subsec. (b) with pars. (1) and (2), substituted a period for the semicolon at end of each par., and added subsec. (c).

1962—Pub. L. 87-621 increased fees for serving an attachment in rem, or libel in admiralty, warrant, at-

¹ So in original. Probably should be capitalized.

tachment, summons, *causas*, or any other writ from \$2 to \$3, for serving a subpoena or summons for a witness or appraiser from 50 cents to \$2, for preparation of a proclamation in admiralty from 30 cents to \$3, and for copies of writs or other papers furnished at the request of any party from 10 to 30 cents per folio of 100 words or fraction thereof, and mileage for necessary travel from 10 cents a mile to 12 cents per mile, or fraction thereof, inserted provisions authorizing a fee of \$1, in addition to the prescribed fee, for forwarding any writ, order, or process to another judicial district for service, and \$3 for preparation of any notice of sale or other public notice or bill of sale, permitting payment of travel expenses where there is an endeavor to serve any process, writ, or order, prohibiting collection of mileage fees for services or endeavors to serve in the District of Columbia, and empowering marshals to require a deposit to cover all fees and expenses, and substituted provisions authorizing a fee of \$3 for serving a writ of possession, partition, execution, order or process, and commissions of 3 per centum on the first \$1,000 collected and 1½ per centum on amounts over \$1,000 for seizing and levying on property (including seizures in admiralty), disposing of the same and receiving and paying over the money for provisions which permitted a marshal serving such a writ or process, and seizing and levying on property, advertising and disposing of the same and receiving and paying over the money, to receive the same fees and poundage as allowed for similar services to the sheriffs of the States in which the service is rendered, and 2½ per centum on any sum under \$500, and 1½ per centum on amounts over \$500 for sale of vessels or other property under process in admiralty, or under the order of a court of admiralty, and provisions permitting collection of actual expenses incurred, and \$3 per hour for each deputy marshal required, for the keeping of property attached, and directing the marshal to collect, in advance, a deposit to cover initial expenses and periodically thereafter such amounts as necessary to pay expenses until litigation is concluded, for provisions which allowed only such compensation as the court, on petition, might allow.

1950—Act Sept. 9, 1950, increased mileage fees from 6 to 10 cents a mile.

EFFECTIVE DATE OF 1986 AMENDMENT

Section 39(b) of Pub. L. 99-646 provided that: "The amendments made by this section [amending this section] shall take effect 30 days after the date of enactment of this Act [Nov. 10, 1986]."

EFFECTIVE DATE OF 1962 AMENDMENT

Section 3 of Pub. L. 87-621 provided that: "This Act [amending this section] shall become effective ninety days after enactment [Aug. 31, 1962]."

COLLECTION AND DISPOSITION OF FEES AND EXPENSES FOR SERVICES

Pub. L. 101-162, title II, Nov. 21, 1989, 103 Stat. 997, provided in part: "That notwithstanding the provisions of title 31 U.S.C. 3302, for fiscal year 1990 and hereafter the Director of the United States Marshals Service may collect fees and expenses for the services authorized by 28 U.S.C. 1921 as amended by Public Law 100-690, and credit such fees to this appropriation to be used for salaries and other expenses incurred in providing these services".

§ 1922. Witness fees before United States magistrate judges

The fees of more than four witnesses shall not be taxed against the United States, in the examination of any criminal case before a United States magistrate judge, unless their materiality and importance are first approved and certified to by the United States attorney for the district in which the examination is had.

(June 25, 1948, ch. 646, 62 Stat. 956; Pub. L. 90-578, title IV, § 402(b)(2), Oct. 17, 1968, 82 Stat. 1118; Pub. L. 101-650, title III, § 321, Dec. 1, 1990, 104 Stat. 5117.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 828 (R.S. § 981; May 28, 1896, ch. 252, § 19, 29 Stat. 184).

Last clause of section 828 of title 28, U.S.C., 1940 ed., providing "and such taxation shall be subject to revision, as in other cases" was omitted as unnecessary in view of the inherent power of the court to revise costs taxed.

Changes were made in phraseology.

CHANGE OF NAME

"United States magistrate judges" substituted for "United States magistrates" in section catchline and "United States magistrate judge" substituted for "United States magistrate" in text pursuant to section 321 of Pub. L. 101-650, set out as a note under section 631 of this title. Previously, "United States magistrates" and "United States magistrate" substituted for "United States commissioners" and "United States commissioner", respectively, pursuant to Pub. L. 90-578. See chapter 43 (§ 631 et seq.) of this title.

§ 1923. Docket fees and costs of briefs

(a) Attorney's and proctor's docket fees in courts of the United States may be taxed as costs as follows:

\$20 on trial or final hearing (including a default judgment whether entered by the court or by the clerk) in civil, criminal, or admiralty cases, except that in cases of admiralty and maritime jurisdiction where the libellant recovers less than \$50 the proctor's docket fee shall be \$10;

\$20 in admiralty appeals involving not over \$1,000;

\$50 in admiralty appeals involving not over \$5,000;

\$100 in admiralty appeals involving more than \$5,000;

\$5 on discontinuance of a civil action;

\$5 on motion for judgment and other proceedings on recognizances;

\$2.50 for each deposition admitted in evidence.

(b) The docket fees of United States attorneys and United States trustees shall be paid to the clerk of court and by him paid into the Treasury.

(c) In admiralty appeals the court may allow as costs for printing the briefs of the successful party not more than:

\$25 where the amount involved is not over \$1,000;

\$50 where the amount involved is not over \$5,000;

\$75 where the amount involved is over \$5,000.

(June 25, 1948, ch. 646, 62 Stat. 956; June 18, 1954, ch. 304, 68 Stat. 253; Pub. L. 95-598, title II, § 245, Nov. 6, 1978, 92 Stat. 2671.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §§ 571, 572, and 578 (R.S. §§ 823, 824; May 28, 1896, ch. 252, §§ 6, 24, 29 Stat. 179, 186; Feb. 26, 1919, ch. 49, § 1, 40 Stat. 1182; July 19, 1919, ch. 24, § 1, 41 Stat. 209; Feb. 11, 1921, ch. 46, 41 Stat. 1099; June 6, 1930, ch. 409, 46 Stat. 522; Aug. 3, 1935, ch. 431, § 1, 49 Stat. 513).

Section consolidates sections 571, 572, and 578 of title 28, U.S.C., 1940 ed.

The phrase “\$20 on trial or final hearing in civil, criminal, or admiralty cases” was substituted for the following provisions of section 572 of title 28, U.S.C., 1940 ed., “On trial before a jury, in civil or criminal causes or before referees, or on a final hearing in equity or admiralty, a docket fee of \$20”, and the limitation of \$10 in “cases at law when judgment is rendered without a jury” was omitted. This simplified restatement provides for a single docket fee in each case which reaches final hearing or trial. Since the docket fee is arbitrary, any limitation or distinction between law cases tried with or without a jury is unrealistic.

Word “solicitor” was omitted as obsolete and inapplicable in civil, criminal, or admiralty practice.

Words “motion for judgment” were substituted for “scire facias” to conform to Rules 2 and 81 of the Federal Rules of Civil Procedure.

Changes were made in phraseology.

CODIFICATION

Section 408(c) of Pub. L. 95-598, Nov. 6, 1978, 92 Stat. 2687, as amended by Pub. L. 98-166, title II, §200, Nov. 28, 1983, 97 Stat. 1081; Pub. L. 98-353, title III, §323, July 10, 1984, 98 Stat. 358; Pub. L. 99-429, Sept. 30, 1986, 100 Stat. 985; Pub. L. 99-500, §101(b) [title II, §200], Oct. 18, 1986, 100 Stat. 1783-39, 1783-45, and Pub. L. 99-591, §101(b) [title II, §200], Oct. 30, 1986, 100 Stat. 3341-39, 3341-45; Pub. L. 99-554, title III, §307(a), Oct. 27, 1986, 100 Stat. 3125, which provided for the deletion of any references to United States Trustees in this title at a prospective date, was repealed by Pub. L. 99-554, title III, §307(b), Oct. 27, 1986, 100 Stat. 3125.

AMENDMENTS

1978—Subsec. (b). Pub. L. 95-598 inserted “and United States trustees” after “United States attorneys”.

1954—Subsec. (a). Act June 18, 1954, inserted in first item “including a default judgment whether entered by the court or by the clerk” after “final hearing”.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-598 effective Oct. 1, 1979, see section 402(c) of Pub. L. 95-598, set out as an Effective Date note preceding section 101 of Title 11, Bankruptcy.

§ 1924. Verification of bill of costs

Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed.

(June 25, 1948, ch. 646, 62 Stat. 957.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §831 (R.S. §984; June 10, 1921, ch. 18, §304, 42 Stat. 24).

Section as revised conforms to existing Federal Practice. See note to subdivision (d) of Rule 54 of the Federal Rules of Civil Procedure. For discussion as to verification of bill of costs under existing practice, see—8 Hughes, Federal Practice, Jurisdiction and Procedure—Civil and Criminal, §6441.

Words “or allowed by the General Accounting Office” were omitted as unnecessary. That office will not allow items in a tax bill for costs against the United States unless such bill has been taxed by the court, and the court, under this section, cannot tax as costs items in an unverified bill.

Changes were made in phraseology.

§ 1925. Admiralty and maritime cases

Except as otherwise provided by Act of Congress, the allowance and taxation of costs in ad-

miralty and maritime cases shall be prescribed by rules promulgated by the Supreme Court.

(June 25, 1948, ch. 646, 62 Stat. 957.)

HISTORICAL AND REVISION NOTES

This section was drafted to make possible the promulgation of comprehensive and uniform rules governing costs in admiralty. Various enactments of Congress, all over 100 years old, relate to particular features of such matter, but do not set forth any comprehensive and uniform procedure. See, for example, sections 818, 826, and 827 of title 28, U.S.C., 1940 ed.

§ 1926. Court of Federal Claims

(a) The Judicial Conference of the United States shall prescribe from time to time the fees and costs to be charged and collected in the United States Court of Federal Claims.

(b) The court and its officers shall collect only such fees and costs as the Judicial Conference prescribes. The court may require advance payment of fees by rule.

(June 25, 1948, ch. 646, 62 Stat. 957; Pub. L. 97-164, title I, §139(p)(1), Apr. 2, 1982, 96 Stat. 44; Pub. L. 102-572, title IX, §902(b), Oct. 29, 1992, 106 Stat. 4516.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §304 (Mar. 3, 1911, ch. 231, §191, 36 Stat. 1144).

For distribution of other provisions of section 304 of title 28, U.S.C., 1940 ed., see Distribution Table.

Changes were made in phraseology.

AMENDMENTS

1992—Pub. L. 102-572 substituted “Court of Federal Claims” for “Claims Court” as section catchline and “United States Court of Federal Claims” for “United States Claims Court” in subsec. (a).

1982—Pub. L. 97-164 substituted “Claims Court” for “Court of Customs and Patent Appeals” as section catchline and, in text substituted provisions directing the Judicial Conference of the United States to prescribe from time to time the fees and costs to be charged and collected in the United States Claims Court and directing the court and its officers to collect only such fees and costs as the Judicial Conference prescribes, with the court authorized to require advance payment of fees by rule for provisions which had directed that fees and costs in the Court of Customs and Patent Appeals be fixed by a table of fees adopted by such court and approved by the Supreme Court, that the fees and costs so fixed not exceed the fees and costs charged in the Supreme Court, and that the fees be accounted for and paid over to the Treasury.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Oct. 29, 1992, see section 911 of Pub. L. 102-572, set out as a note under section 171 of this title.

EFFECTIVE DATE OF 1982 AMENDMENT

Amendment by Pub. L. 97-164 effective Oct. 1, 1982, see section 402 of Pub. L. 97-164, set out as a note under section 171 of this title.

COURT FEES FOR ELECTRONIC ACCESS TO INFORMATION

Judicial Conference to prescribe reasonable fees for collection by courts under this section for access to information available through automatic data processing equipment and fees to be deposited in Judiciary Automation Fund, see section 303 of Pub. L. 102-140, set out as a note under section 1913 of this title.

§ 1927. Counsel’s liability for excessive costs

Any attorney or other person admitted to conduct cases in any court of the United States or

any Territory thereof who so multiplies the proceedings in any case unreasonably and vexatiously may be required by the court to satisfy personally the excess costs, expenses, and attorneys' fees reasonably incurred because of such conduct.

(June 25, 1948, ch. 646, 62 Stat. 957; Pub. L. 96-349, § 3, Sept. 12, 1980, 94 Stat. 1156.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 829 (R.S. § 982).

Word "personally" was inserted upon authority of *Motion Picture Patents Co. v. Steiner et al.*, 1912, 201 F. 63, 119 C.C.A. 401. Reference to "proctor" was omitted as covered by the revised section.

See definition of "court of the United States" in section 451 of this title.

Changes were made in phraseology.

AMENDMENTS

1980—Pub. L. 96-349 substituted judicial authorization to require attorneys to satisfy excess costs, expenses, and attorneys' fees reasonably incurred because of multiplication of proceedings for such prior authority to impose liability for increased costs based on multiplication of proceedings.

§ 1928. Patent infringement action; disclaimer not filed

Whenever a judgment is rendered for the plaintiff in any patent infringement action involving a part of a patent and it appears that the patentee, in his specifications, claimed to be, but was not, the original and first inventor or discoverer of any material or substantial part of the thing patented, no costs shall be included in such judgment, unless the proper disclaimer has been filed in the United States Patent and Trademark Office prior to the commencement of the action.

(June 25, 1948, ch. 646, 62 Stat. 957; Pub. L. 106-113, div. B, § 1000(a)(9) [title IV, § 4732(b)(17)], Nov. 29, 1999, 113 Stat. 1536, 1501A-585.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 821 (R.S. § 973).

Word "action" was substituted for "any suit at law or in equity" to conform with Rule 2 of the Federal Rules of Civil Procedure.

Words "or decree" were omitted after "judgment," because a judgment under Rule 54(a) of the Federal Rules of Civil Procedure by definition includes a decree.

Changes were made in phraseology.

AMENDMENTS

1999—Pub. L. 106-113 substituted "United States Patent and Trademark Office" for "Patent Office".

EFFECTIVE DATE OF 1999 AMENDMENT

Amendment by Pub. L. 106-113 effective 4 months after Nov. 29, 1999, see section 1000(a)(9) [title IV, § 4731] of Pub. L. 106-113, set out as a note under section 1 of Title 35, Patents.

§ 1929. Extraordinary expenses not expressly authorized

Where the ministerial officers of the United States incur extraordinary expense in executing Acts of Congress, the payment of which is not specifically provided for, the Attorney General may allow the payment thereof.

(June 25, 1948, ch. 646, 62 Stat. 957.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., § 577 (R.S. § 846; Feb. 18, 1875, ch. 80, § 1, Stat. 318; May 28, 1896, ch. 252, § 13, 29 Stat. 183; May 27, 1908, ch. 200, § 1, 35 Stat. 375; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167; Feb. 26, 1919, ch. 49, § 7, 40 Stat. 1182; Oct. 13, 1941, ch. 431, § 1, 55 Stat. 736).

Provision for payment of expenses under section 577 of title 28, U.S.C., 1940 ed., from appropriations for expenses of the judiciary was omitted as unnecessary. Such expenses are carried in the Judiciary Appropriation Acts and will continue without this provision.

The first sentence of said section 577 is incorporated in section 551 of this title.

The qualifying phrase "under the special taxation of the district court in which the said services have been or shall be rendered, to be paid from the appropriation for defraying the expenses of the Judiciary," was omitted, and the functions of allowing extraordinary expenses was vested in the Attorney General instead of the President. Neither the President nor the district judge should be burdened with such duty since the Attorney General only has the information upon which to act.

Changes were made in phraseology.

§ 1930. Bankruptcy fees

(a) The parties commencing a case under title 11 shall pay to the clerk of the district court or the clerk of the bankruptcy court, if one has been certified pursuant to section 156(b) of this title, the following filing fees:

(1) For a case commenced under—

(A) chapter 7 of title 11, \$245, and

(B) chapter 13 of title 11, \$235.

(2) For a case commenced under chapter 9 of title 11, equal to the fee specified in paragraph (3) for filing a case under chapter 11 of title 11. The amount by which the fee payable under this paragraph exceeds \$300 shall be deposited in the fund established under section 1931 of this title.

(3) For a case commenced under chapter 11 of title 11 that does not concern a railroad, as defined in section 101 of title 11, \$1,000.

(4) For a case commenced under chapter 11 of title 11 concerning a railroad, as so defined, \$1,000.

(5) For a case commenced under chapter 12 of title 11, \$200.

(6) In addition to the filing fee paid to the clerk, a quarterly fee shall be paid to the United States trustee, for deposit in the Treasury, in each case under chapter 11 of title 11 for each quarter (including any fraction thereof) until the case is converted or dismissed, whichever occurs first. The fee shall be \$325 for each quarter in which disbursements total less than \$15,000; \$650 for each quarter in which disbursements total \$15,000 or more but less than \$75,000; \$975 for each quarter in which disbursements total \$75,000 or more but less than \$150,000; \$1,625 for each quarter in which disbursements total \$150,000 or more but less than \$225,000; \$1,950 for each quarter in which disbursements total \$225,000 or more but less than \$300,000; \$4,875 for each quarter in which disbursements total \$300,000 or more but less than \$1,000,000; \$6,500 for each quarter in which disbursements total \$1,000,000 or more but less than \$2,000,000; \$9,750 for each quarter in which disbursements total \$2,000,000 or more but less than \$3,000,000; \$10,400 for each quarter in

which disbursements total \$3,000,000 or more but less than \$5,000,000; \$13,000 for each quarter in which disbursements total \$5,000,000 or more but less than \$15,000,000; \$20,000 for each quarter in which disbursements total \$15,000,000 or more but less than \$30,000,000; \$30,000 for each quarter in which disbursements total more than \$30,000,000. The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed.

(7) In districts that are not part of a United States trustee region as defined in section 581 of this title, the Judicial Conference of the United States may require the debtor in a case under chapter 11 of title 11 to pay fees equal to those imposed by paragraph (6) of this subsection. Such fees shall be deposited as offsetting receipts to the fund established under section 1931 of this title and shall remain available until expended.

An individual commencing a voluntary case or a joint case under title 11 may pay such fee in installments. For converting, on request of the debtor, a case under chapter 7, or 13 of title 11, to a case under chapter 11 of title 11, the debtor shall pay to the clerk of the district court or the clerk of the bankruptcy court, if one has been certified pursuant to section 156(b) of this title, a fee of the amount equal to the difference between the fee specified in paragraph (3) and the fee specified in paragraph (1).

(b) The Judicial Conference of the United States may prescribe additional fees in cases under title 11 of the same kind as the Judicial Conference prescribes under section 1914(b) of this title.

(c) Upon the filing of any separate or joint notice of appeal or application for appeal or upon the receipt of any order allowing, or notice of the allowance of, an appeal or a writ of certiorari \$5 shall be paid to the clerk of the court, by the appellant or petitioner.

(d) Whenever any case or proceeding is dismissed in any bankruptcy court for want of jurisdiction, such court may order the payment of just costs.

(e) The clerk of the court may collect only the fees prescribed under this section.

(f)(1) Under the procedures prescribed by the Judicial Conference of the United States, the district court or the bankruptcy court may waive the filing fee in a case under chapter 7 of title 11 for an individual if the court determines that such individual has income less than 150 percent of the income official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Omnibus Budget Reconciliation Act of 1981) applicable to a family of the size involved and is unable to pay that fee in installments. For purposes of this paragraph, the term “filing fee” means the filing fee required by subsection (a), or any other fee prescribed by the Judicial Conference under subsections (b) and (c) that is payable to the clerk upon the commencement of a case under chapter 7.

(2) The district court or the bankruptcy court may waive for such debtors other fees prescribed under subsections (b) and (c).

(3) This subsection does not restrict the district court or the bankruptcy court from wai-

ing, in accordance with Judicial Conference policy, fees prescribed under this section for other debtors and creditors.

(Added Pub. L. 95-598, title II, §246(a), Nov. 6, 1978, 92 Stat. 2671; amended Pub. L. 98-353, title I, §111(a), (b), July 10, 1984, 98 Stat. 342; Pub. L. 99-500, §101(b) [title IV, §407(b)], Oct. 18, 1986, 100 Stat. 1783-39, 1783-64, and Pub. L. 99-591, §101(b) [title IV, §407(b)], Oct. 30, 1986, 100 Stat. 3341-39, 3341-64; Pub. L. 99-554, title I, §§117, 144(f), Oct. 27, 1986, 100 Stat. 3095, 3097; Pub. L. 101-162, title IV, §406(a), Nov. 21, 1989, 103 Stat. 1016; Pub. L. 102-140, title I, §111(a), Oct. 28, 1991, 105 Stat. 795; Pub. L. 103-121, title I, §111(a)(1), (b)(1), Oct. 27, 1993, 107 Stat. 1164; Pub. L. 104-91, title I, §101(a), Jan. 6, 1996, 110 Stat. 11, amended Pub. L. 104-99, title II, §211, Jan. 26, 1996, 110 Stat. 37; Pub. L. 104-208, div. A, title I, §101(a) [title I, §109(a)], Sept. 30, 1996, 110 Stat. 3009, 3009-18; Pub. L. 106-113, div. B, §1000(a)(1) [title I, §113], Nov. 29, 1999, 113 Stat. 1535, 1501A-20; Pub. L. 106-518, title I, §§103-105, Nov. 13, 2000, 114 Stat. 2411, 2412; Pub. L. 109-8, title III, §325(a), title IV, §418, Apr. 20, 2005, 119 Stat. 98, 108; Pub. L. 109-13, div. A, title VI, §6058(a), May 11, 2005, 119 Stat. 297; Pub. L. 109-171, title X, §10101(a), Feb. 8, 2006, 120 Stat. 184; Pub. L. 110-161, div. B, title II, §213(a), Dec. 26, 2007, 121 Stat. 1914.)

REFERENCES IN TEXT

Section 673(2) of the Omnibus Budget Reconciliation Act of 1981, referred to in subsec. (f)(1), is section 673(2) of Pub. L. 97-35, which is classified to section 9902(2) of Title 42, The Public Health and Welfare.

CODIFICATION

Amendment by Pub. L. 104-91 is based on section 111(a) of H.R. 2076, One Hundred Fourth Congress, as passed by House of Representatives on Dec. 6, 1995, which was enacted into law by Pub. L. 104-91.

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

AMENDMENTS

2007—Subsec. (a)(6). Pub. L. 110-161 substituted last two sentences for former last two sentences which read as follows: “The fee shall be \$250 for each quarter in which disbursements total less than \$15,000; \$500 for each quarter in which disbursements total \$15,000 or more but less than \$75,000; \$750 for each quarter in which disbursements total \$75,000 or more but less than \$150,000; \$1,250 for each quarter in which disbursements total \$150,000 or more but less than \$225,000; \$1,500 for each quarter in which disbursements total \$225,000 or more but less than \$300,000; \$3,750 for each quarter in which disbursements total \$300,000 or more but less than \$1,000,000; \$5,000 for each quarter in which disbursements total \$1,000,000 or more but less than \$2,000,000; \$7,500 for each quarter in which disbursements total \$2,000,000 or more but less than \$3,000,000; \$8,000 for each quarter in which disbursements total \$3,000,000 or more but less than \$5,000,000; \$10,000 for each quarter in which disbursements total \$5,000,000 or more. The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed.”

2006—Subsec. (a)(1). Pub. L. 109-171, §10101(a)(1), substituted “\$245” for “\$220” in subpar. (A) and “\$235” for “\$150” in subpar. (B).

Subsec. (a)(2). Pub. L. 109-171, §10101(a)(2), which directed substitution of “\$2,750” for “\$1,000” in par. (2), could not be executed because “\$1,000” does not appear in par. (2).

2005—Subsec. (a). Pub. L. 109-8, §418(1), substituted “The parties” for “Notwithstanding section 1915 of this title, the parties” in introductory provisions.

Subsec. (a)(1). Pub. L. 109-8, §325(a)(1), as amended by Pub. L. 109-13, added par. (1) and struck out former par. (1), which read as follows: "For a case commenced under chapter 7 or 13 of title 11, \$155."

Subsec. (a)(3). Pub. L. 109-8, §325(a)(2), as amended by Pub. L. 109-13, substituted "\$1,000" for "\$800".

Subsec. (f). Pub. L. 109-8, §418(2), added subsec. (f).

2000—Subsec. (a). Pub. L. 106-518, §104, substituted "the amount equal to the difference between the fee specified in paragraph (3) and the fee specified in paragraph (1)" for "\$400" in concluding provisions.

Subsec. (a)(2). Pub. L. 106-518, §103, substituted "equal to the fee specified in paragraph (3) for filing a case under chapter 11 of title 11. The amount by which the fee payable under this paragraph exceeds \$300 shall be deposited in the fund established under section 1931 of this title" for "\$300".

Subsec. (a)(7). Pub. L. 106-518, §105, which directed amendment of subsec. (a) by adding par. (7) at end, was executed by adding par. (7) after par. (6) and before concluding provisions to reflect the probable intent of Congress.

1999—Subsec. (a)(1). Pub. L. 106-113 substituted "\$155" for "\$130".

1996—Subsec. (a)(3). Pub. L. 104-208 inserted a dollar sign before "800".

Subsec. (a)(6). Pub. L. 104-208 substituted "\$500 for each quarter in which disbursements total \$15,000 or more but less than \$75,000; \$750 for each quarter in which disbursements total \$75,000 or more but less than \$150,000; \$1,250 for each quarter in which disbursements total \$150,000 or more but less than \$225,000; \$1,500 for each quarter in which disbursements total \$225,000 or more but less than \$300,000; \$3,750 for each quarter in which disbursements total \$300,000 or more but less than \$1,000,000; \$5,000 for each quarter in which disbursements total \$1,000,000 or more but less than \$2,000,000; \$7,500 for each quarter in which disbursements total \$2,000,000 or more but less than \$3,000,000; \$8,000 for each quarter in which disbursements total \$3,000,000 or more but less than \$5,000,000; \$10,000 for each quarter in which disbursements total \$5,000,000 or more. The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed." for "\$500 for each quarter in which disbursements total \$15,000 or more but less than \$150,000; \$1,250 or each quarter in which disbursements total \$150,000 or more but less than \$300,000; \$3,750 for each quarter in which disbursements total \$300,000 or more but less than \$3,000,000; \$5,000 for each quarter in which disbursements total \$3,000,000 or more. The fee shall be payable on the last day of the calendar month following the calendar quarter for which the fee is owed."

Pub. L. 104-91, as amended by Pub. L. 104-99, struck out "a plan is confirmed or" before "the case is converted".

1993—Subsec. (a)(1). Pub. L. 103-121, §111(a)(1), substituted "\$130" for "\$120".

Subsec. (a)(3). Pub. L. 103-81, §111(b)(1), substituted "800" for "\$600".

1991—Subsec. (a)(3). Pub. L. 102-140, §111(a)(1), substituted "\$600" for "\$500".

Subsec. (a)(6). Pub. L. 102-140, §111(a)(2), substituted "\$250" for "\$150", "\$500" for "\$300", "\$1,250" for "\$750", "\$3,750" for "\$2,250", and "\$5,000" for "\$3,000".

1989—Subsec. (a)(1). Pub. L. 101-162 substituted "\$120" for "\$90".

1986—Subsec. (a). Pub. L. 99-554, §§117(5), 144(f), in introductory and closing provisions, substituted "of the district court or the clerk of the bankruptcy court, if one has been certified pursuant to section 156(b) of this title" for "of the court", and in closing provisions, inserted provision that for conversion, on request of the debtor, of a case under chapter 7 or 13 of title 11, to a case under chapter 11 of title 11, the debtor pay to the clerk of the court a fee of \$400.

Subsec. (a)(1). Pub. L. 99-500 and Pub. L. 99-591, Pub. L. 99-554, §117(1), amended par. (1) identically substituting "\$90" for "\$60".

Subsec. (a)(3). Pub. L. 99-554, §117(2), substituted "\$500" for "\$200".

Subsec. (a)(4). Pub. L. 99-554, §117(3), substituted "\$1,000" for "\$500".

Subsec. (a)(5), (6). Pub. L. 99-554, §117(4), added pars. (5) and (6).

1984—Pub. L. 98-353, §111(b), substituted "fees" for "courts" in section catchline.

Subsecs. (a), (c), (e). Pub. L. 98-353, §111(a), substituted "clerk of the court" for "clerk of the bankruptcy court".

EFFECTIVE DATE OF 2007 AMENDMENT

Pub. L. 110-161, div. B, title II, §213(b), Dec. 26, 2007, 121 Stat. 1914, provided that: "This section [amending this section] and the amendment made by this section shall take effect January 1, 2008, or the date of the enactment of this Act [Dec. 26, 2007], whichever is later."

EFFECTIVE DATE OF 2006 AMENDMENT

Pub. L. 109-171, title X, §10101(c), Feb. 8, 2006, 120 Stat. 184, provided that: "This section [amending this section and enacting provisions set out as a note under section 1931 of this title] and the amendments made by this section shall take effect 60 days after the date of the enactment of this Act [Feb. 8, 2006]."

EFFECTIVE DATE OF 2005 AMENDMENTS

Amendment by Pub. L. 109-13 effective immediately after the enactment of Pub. L. 109-8, Apr. 20, 2005, see section 6058(b) of Pub. L. 109-13, set out as a note under section 589a of this title.

Amendment by Pub. L. 109-8 effective 180 days after Apr. 20, 2005, and not applicable with respect to cases commenced under Title 11, Bankruptcy, before such effective date, except as otherwise provided, see section 1501 of Pub. L. 109-8, set out as a note under section 101 of Title 11.

EFFECTIVE DATE OF 1999 AMENDMENT

Pub. L. 106-113, div. B, §1000(a)(1) [title I, §113], Nov. 29, 1999, 113 Stat. 1535, 1501A-20, provided that the amendment made by section 1000(a)(1) [title I, §113] is effective 30 days after Nov. 29, 1999.

EFFECTIVE DATE OF 1993 AMENDMENT

Section 111(a) of Pub. L. 103-121 provided in part that the amendment made by that section is effective 30 days after Oct. 27, 1993.

Section 111(b) of Pub. L. 103-121 provided in part that the amendment made by that section is effective 30 days after Oct. 27, 1993.

EFFECTIVE DATE OF 1991 AMENDMENT

Section 111 of Pub. L. 102-140 provided that the amendment made by that section is effective 60 days after Oct. 28, 1991.

EFFECTIVE DATE OF 1989 AMENDMENT; MISCELLANEOUS FEES

Section 406(a) of Pub. L. 101-162 provided that: "Section 1930(a)(1) of title 28, United States Code, is amended by striking out '90' and inserting in lieu thereof '120'. Pursuant to section 1930(b) of title 28, the Judicial Conference of the United States shall prescribe a fee of \$60 on motions seeking relief from the automatic stay under 11 U.S.C. section 362(b) and motions to compel abandonment of property of the estate. The fees established pursuant to the preceding two sentences shall take effect 30 days after the enactment of this Act [Nov. 21, 1989]."

EFFECTIVE DATE OF 1986 AMENDMENT

Amendment by Pub. L. 99-554 effective 30 days after Oct. 27, 1986, with effective date and applicability of enactment of subsec. (a)(6) of this section by section 117(4) of Pub. L. 99-554 dependent upon the judicial district involved, see section 302(a), (d), (e) of Pub. L. 99-554, set out as a note under section 581 of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-353 effective July 10, 1984, see section 122(a) of Pub. L. 98-353, set out as an Effective Date note under section 151 of this title.

EFFECTIVE DATE

Section effective Oct. 1, 1979, see section 402(c) of Pub. L. 95-598, set out as a note preceding section 101 of Title 11, Bankruptcy.

USE OF INCREASED RECEIPTS

Pub. L. 109-8, title III, §325(e), Apr. 20, 2005, 119 Stat. 99, which provided for the disposition of certain fees collected under section 1930 of this title during the 5-year period beginning on Apr. 20, 2005, greater than the amount that would have been collected had the amendment by Pub. L. 109-8, §325(a), not been made, was omitted in the general amendment of section 325 of Pub. L. 109-8 by Pub. L. 109-13, div. A, title VI, §6058, May 11, 2005, 119 Stat. 297, effective immediately after the enactment of Pub. L. 109-8, Apr. 20, 2005.

ACCRUAL AND PAYMENT OF QUARTERLY FEES IN CHAPTER 11 CASES AFTER JAN. 27, 1996; CONFIRMATION STATUS OF PLANS

Section 101(a) of Pub. L. 104-91, as amended by Pub. L. 104-208, div. A, title I, §101(a) [title I, §109(d)], Sept. 30, 1996, 110 Stat. 3009, 3009-19, provided in part: "That, notwithstanding any other provision of law, the fees under 28 U.S.C. 1930(a)(6) shall accrue and be payable from and after January 27, 1996, in all cases (including, without limitation, any cases pending as of that date), regardless of confirmation status of their plans".

REPORT ON BANKRUPTCY FEES

Section 111(d) of Pub. L. 103-121 provided that:
 "(1) REPORT REQUIRED.—Not later than March 31, 1998, the Judicial Conference of the United States shall submit to the Committees on the Judiciary of the House of Representatives and the Senate, a report relating to the bankruptcy fee system and the impact of such system on various participants in bankruptcy cases.

"(2) CONTENTS OF REPORT.—Such report shall include—

"(A)(i) an estimate of the costs and benefits that would result from waiving bankruptcy fees payable by debtors who are individuals, and

"(ii) recommendations regarding various revenue sources to offset the net cost of waiving such fees; and

"(B)(i) an evaluation of the effects that would result in cases under chapters 11 and 13 of title 11, United States Code, from using a graduated bankruptcy fee system based on assets, liabilities, or both of the debtor, and

"(ii) recommendations regarding various methods to implement such a graduated bankruptcy fee system.

"(3) WAIVER OF FEES IN SELECTED DISTRICTS.—For purposes of carrying out paragraphs (1) and (2), the Judicial Conference of the United States shall carry out in not more than six judicial districts, throughout the 3-year period beginning on October 1, 1994, a program under which fees payable under section 1930 of title 28, United States Code, may be waived in cases under chapter 7 of title 11, United States Code, for debtors who are individuals unable to pay such fees in installments.

"(4) STUDY OF GRADUATED FEE SYSTEM.—For purposes of carrying out paragraphs (1) and (2), the Judicial Conference of the United States shall carry out, in not fewer than six judicial districts, a study to estimate the results that would occur in cases under chapters 11 and 13 of title 11, United States Code, if filing fees payable under section 1930 of title 28, United States Code, were paid on a graduated scale based on assets, liabilities, or both of the debtor."

COURT FEES FOR ELECTRONIC ACCESS TO INFORMATION

Judicial Conference to prescribe reasonable fees for collection by courts under this section for access to in-

formation available through automatic data processing equipment and fees to be deposited in Judiciary Automation Fund, see section 303 of Pub. L. 102-140, set out as a note under section 1913 of this title.

ISSUANCE OF NOTICES TO CREDITORS AND OTHER INTERESTED PARTIES

Section 403 of Pub. L. 101-162 provided that: "Notwithstanding any other provision of law, for fiscal year 1990 and hereafter, (a) The Administrative Office of the United States Courts, or any other agency or instrumentality of the United States, is prohibited from restricting solely to staff of the Clerks of the United States Bankruptcy Courts the issuance of notices to creditors and other interested parties. (b) The Administrative Office shall permit and encourage the preparation and mailing of such notices to be performed by or at the expense of the debtors, trustees or such other interested parties as the Court may direct and approve. (c) The Director of the Administrative Office of the United States Courts shall make appropriate provisions for the use of and accounting for any postage required pursuant to such directives."

COLLECTION AND DISPOSITION OF FEES IN BANKRUPTCY CASES

Section 404(a) of Pub. L. 101-162 provided that: "For fiscal year 1990 and hereafter, such fees as shall be collected for the preparation and mailing of notices in bankruptcy cases as prescribed by the Judicial Conference of the United States pursuant to 28 U.S.C. 1930(b) shall be deposited to the 'Courts of Appeals, District Courts, and Other Judicial Services, Salaries and Expenses' appropriation to be used for salaries and other expenses incurred in providing these services."

§ 1931. Disposition of filing fees

(a) Of the amounts paid to the clerk of court as a fee under section 1914(a) or as part of a judgment for costs under section 2412(a)(2) of this title, \$190 shall be deposited into a special fund of the Treasury to be available to offset funds appropriated for the operation and maintenance of the courts of the United States.

(b) If the court authorizes a fee under section 1914(a) or an amount included in a judgment for costs under section 2412(a)(2) of this title of less than \$250, the entire fee or amount, up to \$190, shall be deposited into the special fund provided in this section.

(Added Pub. L. 99-500, §101(b) [title IV, §407(c)], Oct. 18, 1986, 100 Stat. 1783-39, 1783-64, and Pub. L. 99-591, §101(b) [title IV, §407(c)], Oct. 30, 1986, 100 Stat. 3341-39, 3341-64; amended Pub. L. 101-162, title IV, §406(d), Nov. 21, 1989, 103 Stat. 1016; Pub. L. 102-572, title III, §301(b), Oct. 29, 1992, 106 Stat. 4511; Pub. L. 104-317, title IV, §401(b), Oct. 19, 1996, 110 Stat. 3853; Pub. L. 108-447, div. B, title III, §307(b), Dec. 8, 2004, 118 Stat. 2895.)

CODIFICATION

Pub. L. 99-591 is a corrected version of Pub. L. 99-500.

AMENDMENTS

2004—Subsec. (a). Pub. L. 108-447, §307(b)(1), substituted "\$190" for "\$90".

Subsec. (b). Pub. L. 108-447, §307(b)(2), substituted "\$250" for "\$150" and "\$190" for "\$90".

1996—Subsec. (a). Pub. L. 104-317, §401(b)(1), substituted "\$90" for "\$60".

Subsec. (b). Pub. L. 104-317, §401(b)(2), substituted "\$150" for "\$120" and "\$90" for "\$60".

1992—Pub. L. 102-572 substituted present provisions for former provisions which read as follows:

“The following portion of moneys paid to the clerk of court as filing fees under this chapter shall be deposited into a special fund of the Treasury to be available to offset funds appropriated for the operation and maintenance of the courts of the United States:

“Under section 1914(a), \$60.”

1989—Pub. L. 101-162, which directed that “as provided in annual appropriation acts” be struck out before colon, was executed by striking out “as provided in annual appropriation Acts” before colon as probable intent of Congress.

EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108-447 effective 60 days after Dec. 8, 2004, see section 307(c) of Pub. L. 108-447, set out as a note under section 1914 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-317 effective 60 days after Oct. 19, 1996, see section 401(c) of Pub. L. 104-317, set out as a note under section 1914 of this title.

EFFECTIVE DATE OF 1992 AMENDMENT

Amendment by Pub. L. 102-572 effective Jan. 1, 1993, see section 1101(a) of Pub. L. 102-572, set out as a note under section 905 of Title 2, The Congress.

EXPENDITURE LIMITATION

Pub. L. 109-171, title X, §10001(c), Feb. 8, 2006, 120 Stat. 183, provided that: “Incremental amounts collected by reason of the enactment of this section [amending section 1914 of this title and enacting provisions set out as notes under sections 1913 and 1914 of this title] shall be deposited in a special fund in the Treasury to be established after the enactment of this Act [Feb. 8, 2006]. Such amounts shall be available for the purposes specified in section 1931(a) of title 28, United States Code, but only to the extent specifically appropriated by an Act of Congress enacted after the enactment of this Act.”

Pub. L. 109-171, title X, §10101(b), Feb. 8, 2006, 120 Stat. 184, provided that: “Incremental amounts collected by reason of the amendments made by subsection (a) [amending section 1930 of this title] shall be deposited in a special fund in the Treasury to be established after the enactment of this Act [Feb. 8, 2006]. Such amounts shall be available for the purposes specified in section 1931(a) of title 28, United States Code, but only to the extent specifically appropriated by an Act of Congress enacted after the enactment of this Act.”

DISPOSITION OF FEES

Pub. L. 106-518, title I, §102, Nov. 13, 2000, 114 Stat. 2411, provided that: “For fiscal year 2001 and each fiscal year thereafter, any portion of miscellaneous fees collected as prescribed by the Judicial Conference of the United States under sections 1913, 1914(b), 1926(a), 1930(b), and 1932 of title 28, United States Code, exceeding the amount of such fees in effect on September 30, 2000, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.”

Section 404 of Pub. L. 104-317 provided that:

“(a) DISPOSITION OF ATTORNEY ADMISSION FEES.—For each fee collected for admission of an attorney to practice, as prescribed by the Judicial Conference of the United States pursuant to section 1914 of title 28, United States Code, \$30 of that portion of the fee exceeding \$20 shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code. Any portion exceeding \$5 of the fee for a duplicate certificate of admission or certificate of good standing, as prescribed by the Judicial Conference of the United States pursuant to section 1914 of title 28, United States Code, shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

“(b) DISPOSITION OF BANKRUPTCY COMPLAINT FILING FEES.—For each fee collected for filing an adversary

complaint in a bankruptcy proceeding, as established in Item 6 of the Bankruptcy Court Miscellaneous Fee Schedule prescribed by the Judicial Conference of the United States pursuant to section 1930(b) of title 28, United States Code, the portion of the fee exceeding \$120 shall be deposited into the special fund of the Treasury established under section 1931 of title 28, United States Code.

“(c) EFFECTIVE DATE.—This section shall take effect 60 days after the date of the enactment of this Act [Oct. 19, 1996].”

COLLECTION AND DEPOSIT OF MISCELLANEOUS BANKRUPTCY FEES

Pub. L. 101-162, title IV, §406(b), Nov. 21, 1989, 103 Stat. 1016, as amended by Pub. L. 103-121, title I, §111(a)(3), (b)(4), Oct. 27, 1993, 107 Stat. 1164; Pub. L. 106-113, div. B, §1000(a)(1) [title I, §113], Nov. 29, 1999, 113 Stat. 1535, 1501A-20; Pub. L. 106-518, title II, §209(a), Nov. 13, 2000, 114 Stat. 2415; Pub. L. 109-8, title III, §325(c), Apr. 20, 2005, 119 Stat. 99; Pub. L. 109-13, div. A, title VI, §6058(a), May 11, 2005, 119 Stat. 297, provided that: “All fees as shall be hereafter collected for any service not of a kind described in any of the items enumerated as items 1 through 7 and as items 9 through 18, as in effect on November 21, 1989, of the bankruptcy miscellaneous fee schedule prescribed by the Judicial Conference of the United States under section 1930(b) of title 28, United States Code, 28.87 percent of the fees collected under section 1930(a)(1)(A) of that title, 35.00 percent of the fees collected under section 1930(a)(1)(B) of that title, and 25 percent of the fees collected under section 1930(a)(3) of that title shall be deposited as offsetting receipts to the fund established under section 1931 of that title and shall remain available to the Judiciary until expended to reimburse any appropriation for the amount paid out of such appropriation for expenses of the Courts of Appeals, District Courts, and other Judicial Services and the Administrative Office of the United States Courts. The Judicial Conference shall report to the Committees on Appropriations of the House of Representatives and the Senate on a quarterly basis beginning on the first day of each fiscal year regarding the sums deposited in said fund.”

[For termination, effective May 15, 2000, of provisions relating to a quarterly report to the Committees on Appropriations of the House of Representatives and the Senate in section 406(b) of Pub. L. 101-162, as amended, set out above, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and page 12 of House Document No. 103-7.]

[Pub. L. 106-518, title II, §209(b), Nov. 13, 2000, 114 Stat. 2415, provided that: “The amendment made by subsection (a) [amending section 406(b) of Pub. L. 101-162, set out above] shall not apply with respect to fees collected before the date of enactment of this Act [Nov. 13, 2000].”]

[Pub. L. 106-113, div. B, §1000(a)(1) [title I, §113], Nov. 29, 1999, 113 Stat. 1535, 1501A-20, provided that the amendment to section 406(b) of Pub. L. 101-162, set out above, is effective 30 days after Nov. 29, 1999.]

[Section 111(a), (b) of Pub. L. 103-121 provided in part that the amendments to section 406(b) of Pub. L. 101-162, set out above, are effective 30 days after Oct. 27, 1993.]

§ 1932.¹ Judicial Panel on Multidistrict Litigation

The Judicial Conference of the United States shall prescribe from time to time the fees and costs to be charged and collected by the Judicial Panel on Multidistrict Litigation.

(Added Pub. L. 104-317, title IV, §403(a)(1), Oct. 19, 1996, 110 Stat. 3854.)

¹ Another section 1932 is set out after this section.

§ 1932.¹ Revocation of earned release credit

In any civil action brought by an adult convicted of a crime and confined in a Federal correctional facility, the court may order the revocation of such earned good time credit under section 3624(b) of title 18, United States Code, that has not yet vested, if, on its own motion or the motion of any party, the court finds that—

- (1) the claim was filed for a malicious purpose;
- (2) the claim was filed solely to harass the party against which it was filed; or
- (3) the claimant testifies falsely or otherwise knowingly presents false evidence or information to the court.

(Added Pub. L. 104-134, title I, §101[(a)] [title VIII, §809(a)], Apr. 26, 1996, 110 Stat. 1321, 1321-76; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.)

CHAPTER 125—PENDING ACTIONS AND JUDGMENTS

Sec.	
1961.	Interest.
1962.	Lien.
1963.	Registration of judgments for enforcement in other districts.
[1963A.	Repealed.]
1964.	Constructive notice of pending actions.

AMENDMENTS

1996—Pub. L. 104-317, title II, §203(b), Oct. 19, 1996, 110 Stat. 3850, substituted “for enforcement in other districts” for “of the district courts and the Court of International Trade” in item 1963.

1988—Pub. L. 100-702, title X, §1002(b)(3), Nov. 19, 1988, 102 Stat. 4664, substituted “Registration of judgments of the district courts and the Court of International Trade” for “Registration in other districts” in item 1963 and repealed item 1963A “Registration of judgments of the Court of International Trade”.

1980—Pub. L. 96-417, title V, §511(b), Oct. 10, 1980, 94 Stat. 1743, added item 1963A.

1958—Pub. L. 85-689, §1(b), (c), Aug. 20, 1958, 72 Stat. 683, substituted “CHAPTER 125—PENDING ACTIONS AND JUDGMENTS” for “CHAPTER 125—JUDGMENTS” in chapter heading and added item 1964.

§ 1961. Interest

(a) Interest shall be allowed on any money judgment in a civil case recovered in a district court. Execution therefor may be levied by the marshal, in any case where, by the law of the State in which such court is held, execution may be levied for interest on judgments recovered in the courts of the State. Such interest shall be calculated from the date of the entry of the judgment, at a rate equal to the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding.¹ the date of the judgment. The Director of the Administrative Office of the United States Courts shall distribute notice of that rate and any changes in it to all Federal judges.

(b) Interest shall be computed daily to the date of payment except as provided in section 2516(b) of this title and section 1304(b) of title 31, and shall be compounded annually.

(c)(1) This section shall not apply in any judgment of any court with respect to any internal revenue tax case. Interest shall be allowed in such cases at the underpayment rate or overpayment rate (whichever is appropriate) established under section 6621 of the Internal Revenue Code of 1986.

(2) Except as otherwise provided in paragraph (1) of this subsection, interest shall be allowed on all final judgments against the United States in the United States Court of Appeals for the Federal circuit,² at the rate provided in subsection (a) and as provided in subsection (b).

(3) Interest shall be allowed, computed, and paid on judgments of the United States Court of Federal Claims only as provided in paragraph (1) of this subsection or in any other provision of law.

(4) This section shall not be construed to affect the interest on any judgment of any court not specified in this section.

(June 25, 1948, ch. 646, 62 Stat. 957; Pub. L. 97-164, title III, §302(a), Apr. 2, 1982, 96 Stat. 55; Pub. L. 97-258, §2(m)(1), Sept. 13, 1982, 96 Stat. 1062; Pub. L. 97-452, §2(d)(1), Jan. 12, 1983, 96 Stat. 2478; Pub. L. 99-514, §2, title XV, §1511(c)(17), Oct. 22, 1986, 100 Stat. 2095, 2745; Pub. L. 102-572, title IX, §902(b)(1), Oct. 29, 1992, 106 Stat. 4516; Pub. L. 106-554, §1(a)(7) [title III, §307(d)(1)], Dec. 21, 2000, 114 Stat. 2763, 2763A-636.)

HISTORICAL AND REVISION NOTES

Based on title 28, U.S.C., 1940 ed., §811 (R.S. §966; Mar. 3, 1911, ch. 231, §291, 36 Stat. 1167).

Changes were made in phraseology.

REFERENCES IN TEXT

Section 6621 of the Internal Revenue Code of 1986, referred to in subsec. (c)(1), is classified to section 6621 of Title 26, Internal Revenue Code.

AMENDMENTS

2000—Subsec. (a). Pub. L. 106-554 substituted “the weekly average 1-year constant maturity Treasury yield, as published by the Board of Governors of the Federal Reserve System, for the calendar week preceding.” for “the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately prior to”.

1992—Subsec. (c)(3). Pub. L. 102-572 substituted “United States Court of Federal Claims” for “United States Claims Court”.

1986—Subsec. (c)(1). Pub. L. 99-514, §1511(c)(17), substituted “the underpayment rate or overpayment rate (whichever is appropriate) established” for “a rate established”.

Pub. L. 99-514, §2, substituted “Internal Revenue Code of 1986” for “Internal Revenue Code of 1954”.

1983—Subsec. (b). Pub. L. 97-452 substituted “section 1304(b) of title 31” for “section 1302 of the Act of July 27, 1956 (31 U.S.C. 724a)”.

1982—Subsec. (a). Pub. L. 97-164, §302(a)(1), (2), designated existing provisions as subsec. (a), substituted “at a rate equal to the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately prior to the date of the judgment” for “at the rate allowed by State law”, and inserted provision that the Director of the Administrative Office of the

¹ Another section 1932 is set out preceding this section.

¹ So in original. The period probably should not appear.

² So in original. Probably should be capitalized.