IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

DeEARL FOSTER,

Plaintiff,

v.

ALDANA RAMIREZ,

Defendant.

No. 2:24-CV-2036-DMC-P

ORDER GRANTING IN FORMA PAUPERIS STATUS AND DIRECTING PAYMENT OF FILING FEES

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the Court is Plaintiff's motion for leave to proceed in forma pauperis, ECF No. 5. Plaintiff has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a). The request to proceed in forma pauperis will, therefore, granted.

To: The California Department of Corrections and Rehabilitation
1515 S Street, Sacramento, California 95814:

Plaintiff is obligated to pay the full statutory filing fee of $350.00 for this action. In addition to any initial partial filing fee required to be assessed, Plaintiff will be obligated to make monthly payments in the amount of twenty percent of the preceding month's income credited to Plaintiff's inmate trust account. The agency referenced above is required to send to the Clerk of the Court the initial partial filing fee and thereafter payments from Plaintiff's inmate trust account each time the amount in the account exceeds $10.00, until the statutory filing fee of

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$350.00 is paid in full. See 28 U.S.C. § 1915(b)(2).

Accordingly, IT IS HEREBY ORDERED as follows:

1. Plaintiff's motion for leave to proceed in forma pauperis, ECF No. 5, is granted.

2. Plaintiff is required to pay the full statutory filing fee of $350.00 for this action pursuant to 28 U.S.C. §§ 1914(a) and 1915(b)(1).

3. The director of the agency referenced above, or a designee, shall collect from Plaintiff's inmate trust account an initial partial filing fee in accordance with the provisions of 28 U.S.C. § 1915(b)(1) and shall forward the amount to the Clerk of the Court, such payment to be clearly identified by the name and number assigned to this action.

4. Thereafter, the director of the agency referenced above, or a designee, shall collect from Plaintiff's inmate trust account the balance of the filing fee by collecting monthly payments from Plaintiff's inmate trust account in an amount equal to twenty percent (20%) of the preceding month's income credited to Plaintiff's inmate trust account and forwarding payments to the Clerk of the Court each time the amount in the account exceeds $10.00 in accordance with 28 U.S.C. § 1915(b)(2), until the $350.00 filing fee for this action has been paid in full, such payments to be clearly identified by the name and number assigned to this action.

5. The Clerk of the Court is directed to serve a copy of this order and a copy of Plaintiff's signed in forma pauperis affidavit to the address shown above.

6. The Clerk of the Court is further directed to serve a copy of this order on the Financial Department of the Court.

Dated: September 10, 2024

DENNIS M. COTA
UNITED STATES MAGISTRATE JUDGE