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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

ISIAH LUCAS, JR.,

No. CIV S-10-3252-CMK-P

Plaintiff,

vs.

ORDER

GARY SWARTHOUT, et al.,

Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s request for leave to proceed in forma pauperis (Doc. 13). Also pending before the court is plaintiff’s objections to the undersigned’s May 2, 2011, findings and recommendations. Plaintiff’s complaint will be addressed separately.

The undersigned issued the May 2, 2011, findings and recommendations that this case be dismissed based on plaintiff’s failure to file a complete application for leave to proceed in forma pauperis or pay the appropriate filing fee. Plaintiff has since submitted his application and declaration that makes the showing required by 28 U.S.C. § 1915(a). The request to proceed in forma pauperis will, therefore, be granted, and the findings and recommendations vacated.

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1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The May 2, 2011, findings and recommendations (Doc. 12) are vacated,

3 2. Plaintiff's motion for leave to proceed in forma pauperis (Doc. 13) is
4 granted;

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

7 4. No initial partial filing fee will be assessed pursuant to 28 U.S.C.
8 § 1915(b)(1); and

9 5. Plaintiff will be obligated for monthly payments of twenty percent of the
10 preceding month's income credited to plaintiff's inmate trust account, such payments to be
11 forwarded by the appropriate agency to the Clerk of the Court each time the amount in plaintiff's
12 account exceeds \$10.00, until the statutory filing fee is paid in full, pursuant to 28 U.S.C.
13 § 1915(b)(2).

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15 DATED: June 24, 2011

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17 **CRAIG M. KELLISON**
18 UNITED STATES MAGISTRATE JUDGE
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