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

MICHAEL J. COE,

1:07-CV-00683-AWI-NEW(DLB) P

Plaintiff,

vs.

ORDER GRANTING APPLICATION TO
PROCEED IN FORMA PAUPERIS

JAMES A. YATES,

Defendant.

_____/

Plaintiff is a prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. This proceeding was referred to this court by Local Rule 72-302 pursuant to 28 U.S.C. § 636(b)(1).

Plaintiff has submitted a declaration that makes the showing required by § 1915(a). Accordingly, the request to proceed in forma pauperis will be granted. 28 U.S.C. § 1915(a).

Pursuant to 28 U.S.C. § 1915(b)(1), enacted April 26, 1996, plaintiff is required to pay the statutory filing fee of \$350.00 for this action.¹ Plaintiff has been without funds for six months and is currently without funds. Accordingly, the court will not assess an initial partial filing fee. 28 U.S.C.

¹ The statutory filing fee for all civil actions except applications for writs of habeas corpus is \$350.00. See 28 U.S.C. § 1914(a).

1 § 1915(b)(1). Plaintiff is obligated to make monthly payments of 20 percent of the preceding month's
2 income credited to plaintiff's prison trust account. These payments shall be collected and forwarded by
3 the appropriate agency to the Clerk of the Court each time the amount in plaintiff's account exceeds
4 \$10.00, until the filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

5 In accordance with the above, IT IS HEREBY ORDERED that:

- 6 1. Plaintiff's request for leave to proceed in forma pauperis is granted.
7 2. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. The fee
8 shall be collected and paid in accordance with this court's order to the Director of the California
9 Department of Corrections filed concurrently herewith.

10 IT IS SO ORDERED.

11 **Dated: May 21, 2007**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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