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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

CHRISTOPHER I. SIMMONS,

1:07-cv-01058-LJO-GBC (PC)

Plaintiff,

ORDER GRANTING APPLICATION TO
PROCEED IN FORMA PAUPERIS
Doc. 40

v.

ANTHONY HEDGPETH,

ORDER DIRECTING PAYMENT
OF INMATE FILING FEE BY
CALIFORNIA DEPARTMENT OF
CORRECTIONS

Defendant.

ORDER STRIKING ORDER FILED ON
AUGUST 16, 2007
Doc. 3

_____ /

Plaintiff is a prisoner proceeding pro se pursuant to 42 U.S.C. § 1983. On November 3, 2011, the Court found that Plaintiff was granted in forma pauperis (“IFP”) status incorrectly and ordered Plaintiff to resubmit a request to proceed in forma pauperis on the correct form. Doc. 39. On November 14, 2011, Plaintiff requested leave to proceed IFP pursuant to 28 U.S.C. § 1915 and submitted said request on the appropriate form. Doc. 40.

Plaintiff has made the showing required by § 1915(a) and accordingly, the request to proceed IFP will be granted. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments in the amount of twenty percent of the preceding month’s income credited to plaintiff’s trust account. The California Department of

1 Corrections is required to send to the Clerk of the Court payments from Plaintiff's account each time
2 the amount in the account exceeds \$10.00, until the statutory filing fee is paid in full. 28 U.S.C.
3 § 1915(b)(2).

4 Moreover, since this action has been converted to a § 1983, the former order granting IFP to
5 Plaintiff as a habeas petitioner is HEREBY STRICKEN. Doc. 3.

6 In accordance with the above and good cause appearing therefore, IT IS HEREBY ORDERED
7 that:

- 8 1. Plaintiff's application to proceed in forma pauperis is GRANTED;
- 9 **2. The Director of the California Department of Corrections or his designee shall**
10 **collect payments from plaintiff's prison trust account in an amount equal to twenty per cent**
11 **(20%) of the preceding month's income credited to the prisoner's trust account and shall forward**
12 **those payments to the Clerk of the Court each time the amount in the account exceeds \$10.00, in**
13 **accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and forwarded**
14 **to the Clerk of the Court. The payments shall be clearly identified by the name and number**
15 **assigned to this action;**

16 3. The Clerk of the Court is directed to serve a copy of this order and a copy of plaintiff's
17 in forma pauperis application on the Director of the California Department of Corrections, via the court's
18 electronic case filing system (CM/ECF);

19 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
20 Department, U.S. District Court, Eastern District of California, Fresno Division; and

21 5. The Court's initial order granting in forma pauperis status, filed on August 16, 2007,
22 is STRICKEN. (Doc. 3).

23

24 IT IS SO ORDERED.

25 Dated: November 22, 2011

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UNITED STATES MAGISTRATE JUDGE

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