

Plaintiff's Name: Leonell Tholmer
CDC No: D78985
Address: P.O. Box 1908, Tehachas,
California, 93561

FILED

JUN 23 2008

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY [Signature]
DEPUTY CLERK

LEONELL THOLMER)
Plaintiff,)
vs.)
GONZALES)
Defendant (s).)

**IN FORMA PAUPERIS
BY A PRISONER**

CASE NUMBER:

208 - W - 1430 FM PC

I, Leonell Tholmer, declare that I am the plaintiff in the above-entitled proceeding; that, in support of my request to proceed without prepayment of fees under 28 U.S.C. section 1915, I declare that I am unable to pay the fees for these proceedings or give security therefor and that I am entitled to the relief sought in the complaint.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated? Yes No (If "no" DO NOT USE THIS FORM)

If "yes" state the place of your incarceration. California Correctional Institution

(PC) Tholmer v. Gonzales et al

Doc. 7 Att. 1

Have the institution fill out the Certificate portion of this application and attach a certified copy of your prison trust account statement showing transactions for the past six months.

2. Are you currently employed (includes prison employment)? Yes No

a. If the answer is "yes" state the amount of your pay. _____

b. If the answer is "no" state the date of your last employment, the amount of your take-home salary or wages and pay period, and the name and address of your last employer.

3. Have you received any money from the following sources over the last twelve months?

a. Business, profession, or other self-employment: Yes No

b. Rent payments, interest or dividends: Yes No

c. Pensions, annuities or life insurance payments: Yes No

d. Disability or workers compensation payments: Yes No

- e.. Gifts or inheritances: Yes No
- f. Any other sources: Yes No

If the answer to any of the above is "yes," describe by that item each source of money. Also state the amount received and what you expect you will continue to receive. Please attach an additional sheet if necessary. *I received \$15000*

4. Do you have cash (includes balance of checking or savings accounts)? Yes No

If "yes" state the total amount: _____

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or other valuable property? Yes No

If "yes" describe the property and state its value: _____

6. Do you have any other assets? Yes No

If "yes," list the asset(s) and state the value of each asset listed:

7. List all persons dependent on you for support, stating your relationship to each person listed and how much you contribute to their support.

I hereby authorize the agency having custody of me to collect from my trust account and forward to the Clerk of the United States District Court payments in accordance with 28 U.S.C. section 1915(b)(2).

June 2nd 2008
DATE

Funell Thomas
SIGNATURE OF APPLICANT

CERTIFICATE

(To be completed by the institution of incarceration)

I certify that the applicant named herein has the sum of \$ 0 on account to his/her credit at cci Tehachas (name of institution). I further certify that during the past six months, the applicant's average monthly balance was \$.51. I further certify that during the past six months, the average of monthly deposits to the applicant's account was \$.31.

(Please attach a certified copy of the applicant's trust account statement showing transactions for the past six months).

6/17/08
DATE

[Signature]
SIGNATURE OF AUTHORIZED OFFICER
acct sel

(Revised 6/01/04)

PROOF OF SERVICE BY MAIL

BY PERSON IN STATE CUSTODY

(Fed. R. Civ. P. 5; 28 U.S.C. § 1746)

I, Lucretia Thomas, declare:

I am over 18 years of age and a party to this action. I am a resident of California Correctional Institution Prison, in the county of Kern

State of California. My prison address is: P.O. Box 1402, Tehachapi, CA 93581

On June 2nd 2008 (DATE)

I served the attached: 42 U.S.C. § 1983

(DESCRIBE DOCUMENT)

on the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a deposit box so provided at the above-named correctional institution in which I am presently confined. The envelope was addressed as follows: Clerk of Court

Eastern District
501 J Street, Suite 2-205
Sacramento, CA 95814

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on June 2nd 2008 (DATE)

Lucretia Thomas
(DECLARANT'S SIGNATURE)

STATE OF CALIFORNIA
CDC - 193 (1/88)

DEPARTMENT OF CORRECTIONS

TRUST ACCOUNT WITHDRAWAL ORDER

Date June 5 2008

To: Warden

Approved _____

I hereby request that my Trust Account be charged \$ _____ for the purpose stated below and authorize the withdrawal of that sum from my account:

D 72928
NUMBER

Honell Holmes

NAME (Signature please, DO NOT PRINT)

State below the PURPOSE for which withdrawal is requested (do not use this form for Canteen or Hobby purchase).

PRINT PLAINLY BELOW name and address of person to whom check is to be mailed.

PURPOSE Mailing Legal Mail

NAME California Correctional Institution

ADDRESS P.O. Box 1031

Tehachapi, California 93581

Honell Holmes

PRINT YOUR FULL NAME HERE

CALIFORNIA DEPARTMENT OF CORRECTIONS
CALIF CORRECTIONAL INSTITUTION
INMATE TRUST ACCOUNTING SYSTEM
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: DEC. 01, 2007 THRU JUN. 18, 2008

ACCOUNT NUMBER : D72928 BED/CELL NUMBER: 4A7BADS 0000104L
ACCOUNT NAME : THOLMER, LIONEL ERNEST ACCOUNT TYPE: I
PRIVILEGE GROUP: D

TRUST ACCOUNT ACTIVITY

DATE	TRAN CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
12/01/2007		BEGINNING BALANCE					0.00
ACTIVITY FOR 2008							
04/08	D320	TRUST FUNDS T 6594LAC			1.84		1.84
04/15	W512	LEGAL POSTAGE 6757LEGPOS				0.65	1.19
05/16	W516	LEGAL COPY CH 7474LEG COP				1.19	0.00

CURRENT HOLDS IN EFFECT

DATE PLACED	HOLD CODE	DESCRIPTION	COMMENT	HOLD AMOUNT
05/22/2008	H109	LEGAL POSTAGE HOLD	7606LEGPOS	0.50
05/22/2008	H109	LEGAL POSTAGE HOLD	7606LEGPOS	2.36
06/11/2008	H118	LEGAL COPIES HOLD	8055LEG COP	11.50
06/11/2008	H109	LEGAL POSTAGE HOLD	8056LEGPOS	0.25

* RESTITUTION ACCOUNT ACTIVITY

DATE SENTENCED: 04/07/93 CASE NUMBER: 11873
COUNTY CODE: YOL FINE AMOUNT: \$ 10,000.00

DATE	TRANS.	DESCRIPTION	TRANS. AMT.	BALANCE
12/01/2007		BEGINNING BALANCE		9,979.43
03/13/08	SU01	SYS TRNSF - POS	93.60-	9,885.83

* THIS STATEMENT DOES NOT REFLECT THE ADMINISTRATIVE FEE CHARGE THAT *
* IS EQUAL TO TEN PERCENT OF THE RESTITUTION AMOUNT COLLECTED. *

THE WITHIN INSTRUMENT IS A CORRECT COPY OF THE TRUST ACCOUNT MAINTAINED BY THIS OFFICE.
 ATTEST: *6/17/08*
 CALIFORNIA DEPARTMENT OF CORRECTIONS
 BY: *[Signature]*
 TRUST OFFICE
Cal art Seck.

CALIFORNIA DEPARTMENT OF CORRECTIONS
CALIF CORRECTIONAL INSTITUTION
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: DEC. 01, 2007 THRU JUN. 18, 2008

ACCT: D72928 ACCT NAME: THOLMER, LIONEL ERNEST ACCT TYPE: I

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
0.00	1.84	1.84	0.00	14.61	0.00
					CURRENT AVAILABLE BALANCE
					14.61-

CALIFORNIA DEPARTMENT OF CORRECTIONS
CALIF CORRECTIONAL INSTITUTION
INMATE TRUST ACCOUNTING SYSTEM
INMATE TRUST ACCOUNT STATEMENT

FOR THE PERIOD: DEC. 01, 2007 THRU JUN. 18, 2008

TOTAL NUMBER OF STATEMENTS PRINTED: 1

TOTAL CURRENT BALANCE FOR ALL THE STATEMENTS: 0.00