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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
10 FRESNO DIVISION
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12 DANIEL LAWRENCE SMITH,

1:09-cv-00264-WMW (PC)

13 Plaintiff,

**ORDER GRANTING APPLICATION
TO PROCEED IN FORMA PAUPERIS
(#2)**

14 v.

and

15 JAMES A. YATES, et al.,

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

16 Defendants.
17 _____ /

18 Plaintiff is a prisoner proceeding pro se pursuant to 42 U.S.C. § 1983 and has requested leave
19 to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Plaintiff has made the showing required
20 by § 1915(a) and accordingly, the request to proceed in forma pauperis will be granted. Plaintiff is
21 obligated to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff
22 is obligated to make monthly payments in the amount of twenty percent of the preceding month's
23 income credited to plaintiff's trust account. The California Department of Corrections is required to
24 send to the Clerk of the Court payments from plaintiff's account each time the amount in the account
25 exceeds \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

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

28 1. Plaintiff's application to proceed in forma pauperis is GRANTED;

1 **2. The Director of the California Department of Corrections or his designee**
2 **shall collect payments from plaintiff's prison trust account in an amount equal to twenty per**
3 **cent (20%) of the preceding month's income credited to the prisoner's trust account and shall**
4 **forward those payments to the Clerk of the Court each time the amount in the account exceeds**
5 **\$10.00, in accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected**
6 **and forwarded to the Clerk of the Court. The payments shall be clearly identified by the name**
7 **and number assigned to this action.**

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

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

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14 IT IS SO ORDERED.

15 **Dated: February 17, 2009**

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE