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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10 FRESNO DIVISION  
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12 TONI D. LEVINGSTON,

1:09-cv-00589-WMW (PC)

13 Plaintiff,

ORDER GRANTING APPLICATION TO  
PROCEED IN FORMA PAUPERIS  
(#5)

14 v.

and

15 CALIFORNIA DEPARTMENT OF  
16 CORRECTIONS & REHABILITATION, et  
al.,

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

17 Defendants.  
18 \_\_\_\_\_ /

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

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

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

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

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

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

IT IS SO ORDERED.

**Dated: April 3, 2009**

**/s/ William M. Wunderlich**  
**UNITED STATES MAGISTRATE JUDGE**