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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

RODNEY B. THOMAS,

1:09-cv-01593-DLB (PC)

Plaintiff,

ORDER GRANTING APPLICATION TO
PROCEED IN FORMA PAUPERIS

v.

and

WARDEN ANDREWS, et al.,

ORDER DIRECTING PAYMENT
OF INMATE FILING FEE BY NEW YORK
METROPOLITAN CORRECTIONAL
CENTER

Defendants.

_____ /

Plaintiff is a federal prisoner proceeding pro se pursuant to Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971), which provides a remedy for violation of civil rights by federal actors.¹ Plaintiff has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Plaintiff has made the showing required by § 1915(a) and accordingly, the request to proceed in forma pauperis 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 New York Metropolitan Correctional Center is required to send to the Clerk of

¹ Plaintiff alleges a violation of his federal rights and is seeking relief pursuant to 42 U.S.C. §1983. Section 1983 provides a remedy for the violation of federal rights by persons acting under color of state law. 42 U.S.C. § 1983; WMX Techs., Inc. v. Miller, 197 F.3d 367, 372 (9th Cir. 1999).

1 the Court payments from plaintiff's account each time the amount in the account exceeds \$10.00,
2 until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

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

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

13 3. The Clerk of the Court is directed to serve a copy of this order and a copy of
14 plaintiff's in forma pauperis application on the Warden of the New York Metropolitan Correctional
15 Center, via the United States Postal Service.

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

18 5. Within thirty (60) days of the date of service of this order, plaintiff shall submit a
19 certified copy of his/her prison trust account statement for the six-month period immediately
20 preceding the filing of the complaint, if plaintiff has not already done so.

21 IT IS SO ORDERED.

22 **Dated: September 14, 2009**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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