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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

EMERY L. FRANKLIN III,)	1:10cv0367 OWW DLB
)	
)	
Plaintiff,)	ORDER GRANTING APPLICATION TO
)	PROCEED IN FORMA PAUPERIS
v.)	(Document 2)
)	
WESTON REID PATTERSON, et al.,)	ORDER DIRECTING PAYMENT OF INMATE
)	FILING FEE BY USP ATWATER
)	
Defendants.)	
_____)	

Plaintiff Emery L. Franklin III (“Plaintiff”) is a federal prisoner proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. § 1983 and has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Plaintiff has made the showing required by § 1915(a). Accordingly, the request to proceed in forma pauperis will be granted. 28 U.S.C. § 1915(a).

Pursuant to 28 U.S.C. § 1915(b)(1), Plaintiff is required to pay the statutory filing fee of \$350.00 for this action. Plaintiff is obligated to make monthly payments in the amount of twenty percent of the preceding month’s income credited to Plaintiff’s prison trust account. USP Atwater is required to send to the Clerk of the Court payments from Plaintiff’s account each time the amount in the account exceeds \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

In accordance with the above, IT IS HEREBY ORDERED that:

1. Plaintiff's request for leave to proceed in forma pauperis is GRANTED.

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2. The Warden of USP Atwater or his designee shall collect payments from Plaintiff's prison trust account in an amount equal to twenty percent (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 case number assigned to this action.

3. The Clerk of the Court is directed to serve a copy of this order and copy of Plaintiff's in forma pauperis application on the **Warden of USP Atwater, 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, United States District Court, Eastern District of California, Fresno Division.

IT IS SO ORDERED.

Dated: March 4, 2010

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE