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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

KAYSAM KENT SMITH,)	1:10cv0373 OWW DLB
)	
)	
Plaintiff,)	ORDER GRANTING APPLICATION TO
)	PROCEED IN FORMA PAUPERIS
v.)	(Document 2)
)	
AMTRAK RAILWAYS, U.S.A.,)	
)	
)	
Defendant.)	

Plaintiff Kaysam Kent Smith ("Plaintiff") is a federal prisoner proceeding pro se in this action. Plaintiff filed his complaint on March 1, 2010, and is seeking leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

Plaintiff has submitted a declaration that makes the showing required by Section 1915(a). Accordingly, the request to proceed in forma pauperis will be granted.¹ 28 U.S.C. § 1915(a).

¹ Plaintiff is advised that the Court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The Court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally "frivolous or malicious," that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2). The Court will direct the United States Marshal to serve Plaintiff's complaint only after the Court has screened the complaint and determined that it contains cognizable claims for relief against the named defendants.

1 Pursuant to 28 U.S.C. § 1915(b)(1), enacted April 26, 1996, Plaintiff is required to pay
2 the statutory filing fee of \$350.00 for this action.² Plaintiff has been without funds for six months
3 and is currently without funds. Accordingly, the Court will not assess an initial partial filing fee.
4 28 U.S.C. § 1915(b)(1).

5 Plaintiff is obligated to make monthly payments of 20 percent of the preceding month's
6 income credited to his prison trust account. These payments shall be collected and forwarded by
7 the appropriate agency to the Clerk of the Court each time the amount in Plaintiff's account
8 exceeds \$10.00, until the filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

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

- 10 1. Plaintiff's request for leave to proceed in forma pauperis is GRANTED;
- 11 2. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. The
12 fee shall be collected and paid in accordance with this Court's order to the Warden
13 of the Taft Correctional Institute.

14
15 IT IS SO ORDERED.

16 **Dated: March 4, 2010**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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² The statutory filing fee for all civil actions except applications for writs of habeas corpus is \$350.00.
See 28 U.S.C. § 1914(a).