

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MARIO LANDEROS,

Plaintiff,

v.

J. METTS,

Defendant.

CASE NO. 1:10-cv-01072-DLB (PC)

ORDER GRANTING MOTION TO
PROCEED IN FORMA PAUPERIS

(Doc. 2)

Plaintiff Mario Landeros ("Plaintiff") is a prisoner in the custody of the California Department of Corrections and Rehabilitation, and is 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. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1).

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

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. The court has a large number of prisoner civil rights cases pending before it and will screen plaintiff's complaint in due course.

1 \$350.00 for this action.² An initial partial filing fee of \$100.52 will be assessed by this order.³
2 28 U.S.C. § 1915(b)(1). By separate order, the court will direct the appropriate agency to collect
3 the initial partial filing fee from plaintiff's trust account and forward it to the Clerk of the Court.
4 Thereafter, plaintiff will be obligated for monthly payments of twenty percent of the preceding
5 month's income credited to plaintiff's prison trust account. These payments will be forwarded
6 by the appropriate agency to the Clerk of the Court each time the amount in plaintiff's account
7 exceeds \$10.00, until the filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

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

- 9 1. Plaintiff's request for leave to proceed in forma pauperis is granted.
10 2. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action.
11 Plaintiff is assessed an initial partial filing fee of \$100.52. All fees shall be
12 collected and paid in accordance with this court's order to the Director of the
13 California Department of Corrections and Rehabilitation filed concurrently
14 herewith.

15 IT IS SO ORDERED.

16 **Dated: June 16, 2010**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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

28 ³ The Court calculates Plaintiff's average monthly account balance for the six-month period prior to the
filing of the complaint as \$502.58.