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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TONY EUGENE SAFFOLD,
Plaintiff,
v.
JAMES HARTLEY, Warden,
Defendant.

Case No.: 1:10-cv-01295 LJO MJS (PC)
ORDER REDESIGNATING MATTER AS PRISONER CIVIL RIGHTS ACTION
ORDER GRANTING APPLICATION TO PROCEED IN FORMA PAUPERIS (ECF No. 46)
ORDER DIRECTING PAYMENT OF INMATE FILING FEE BY CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION

Plaintiff is a state prisoner proceeding *pro se*. On July 21, 2010, Petitioner filed a petition for writ of habeas corpus with the Court. The petition was denied on May 12, 2011. (ECF No. 20.) On August 26, 2016, the Ninth Circuit vacated and remanded the matter back to this Court. (ECF No. 36.) On September 27, 2016, the Court dismissed the petition for writ of habeas corpus and ordered Plaintiff to proceed by way of a civil rights complaint should he choose to continue to litigate the action. On November 17, 2016, Plaintiff filed a first amended civil rights complaint. (ECF No. 45). Plaintiff then filed an application to proceed in forma pauperis on December 2, 2016. (ECF No. 46.)

1 Having filed a civil rights complaint, Plaintiff has evidenced his intent to convert
2 this matter originating as a petition for writ of habeas corpus to a civil rights action under
3 42 U.S.C. § 1983. Accordingly, the Court hereby orders that the mater be re-designated
4 with the following case number:

5 **1:10-cv-01295 LJO MJS (PC)**

6 Failure to use the new case number could result in filings not being associated with and
7 filed in the instant case.

8 Further, Plaintiff has made the showing required by § 1915(a) for in forma
9 pauperis status and accordingly, the request to proceed in forma pauperis will be
10 granted. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. 28
11 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments in the amount of
12 twenty percent of the preceding month's income credited to plaintiff's trust account. The
13 California Department of Corrections and Rehabilitation is required to send to the Clerk
14 of the Court payments from plaintiff's account each time the amount in the account
15 exceeds \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

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

18 1. The Clerk of Court re-designate the case with the following case number:

19 1:10-cv-01295 LJO MJS (PC);

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

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

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4. 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 and Rehabilitation, via the court's electronic case filing system (CM/ECF).

5. 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.

IT IS SO ORDERED.

Dated: January 18, 2017

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE