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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LUPE NIETO, JR.,)	Case No. 1:10-cv-01397-AWI-JLT
)	
Plaintiff,)	ORDER TO CDCR TO COLLECT COURT
vs.)	FILING FEES
)	
DRAKE HODGE, et al.,)	
)	
Defendants.)	
_____)	

Lupe Nieto, Jr. ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis* with a civil rights action pursuant to 42 U.S.C. § 1983. At the time that Plaintiff's IFP motion was granted, he was in the custody of the Fresno County Sheriff's Department. (Doc. 4) Currently, he is in the custody of the California Department of Corrections and Rehabilitation and is housed at Wasco State Prison. (Doc. 23)

Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. § 1915(b)(1). To date, Plaintiff has made no payments toward the filing fee. Plaintiff is obligated to make monthly payments in the amount of twenty percent of the proceeding month's income credited to plaintiff's trust account. The California Department of Corrections is required to send

1 to the Clerk of the Court payments from plaintiff's account each time the amount in the account
2 exceeds \$10.00, 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,

5 1. The Director of the California Department of Corrections or his designee shall
6 collect payments from plaintiff's prison trust account in an amount equal to twenty percent (20%)
7 of the preceding month's income credited to the prisoner's trust account and shall forward those
8 payments to the Clerk of the Court each time the amount in the account exceeds \$10.00, in
9 accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and
10 forwarded to the Clerk of the Court. The payments shall be clearly identified by the name and
11 case number assigned to this action.

12 2. The Clerk of the Court is directed to serve a copy of this order and a copy of
13 plaintiff's in forma pauperis application on the Director of the California Department of
14 Corrections, via the court's electronic case filing system (CM/ECF).

15 3. The Clerk of Court is directed to serve a copy of this order on the Financial
16 Department, 12 U.S. District Court, Eastern District of California, Fresno Division.

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

21 IT IS SO ORDERED.

22 Dated: September 23, 2011

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE