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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MICHAEL EUGENE HOLLIS, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
BLATHERS, et al., )  
 )  
 )  
Defendants. )  
\_\_\_\_\_ )

1:11-cv-00741-GSA-PC  
ORDER DENYING MOTION FOR  
STRUCTURED PAYMENT PLAN  
(Doc. 5.)

Michael Eugene Hollis (“Plaintiff”) is a prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed the complaint commencing this action on May 10, 2011. (Doc. 1.)

On June 7, 2011, Plaintiff filed an application to proceed in forma pauperis and motion for a specified payment plan. Plaintiff requests a structured payment plan to enable him to pay the filing fees he owes for five pending court actions without paying out 100% of the funds available in his prison trust account each month.

Plaintiff’s schedule for payment of his filing fees is governed by statute, and the Court is not authorized to structure payment plans specific to a plaintiff’s particular circumstances. 28 U.S.C. § 1915(b). Plaintiff is advised that leave to proceed in forma pauperis is a privilege, not a right. Smart v. Heinze, 347 F.2d 114 (9th Cir. 1965), certiorari denied 382 U.S. 896, 86 S.Ct. 192. “The Ninth

1 Circuit has found that ‘[b]ecause prisoners are in the custody of the state and accordingly have the  
2 ‘essentials of life’ provided by the government,’ even the most indigent prisoner subject to the  
3 cumulative collection of filing fees required by § 1915(b) will not be ‘required to make choices between  
4 his lawsuit and the necessities of life.’” Hendon v. Ramsey, 478 R.Supp.2d 1214, 1220 (S.D.Cal. 2007)  
5 (quoting Taylor v. Delatoore, 281 F.3d 844, 849 (9th Cir. 2002.) Therefore, Plaintiff’s motion shall be  
6 denied.

7 Accordingly, IT IS HEREBY ORDERED that Plaintiff’s motion for a structured payment plan,  
8 filed on June 7, 2011, is DENIED.

9  
10 IT IS SO ORDERED.

11 **Dated: June 8, 2011**

**/s/ Gary S. Austin**  
UNITED STATES MAGISTRATE JUDGE