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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

SHON DATHEN RUCKER,
Plaintiff,

v.

HONORABLE GARY PADEN, ARTHUR
HAMPAR, NEAL PEDIWITZ, VISALIA
POLICE DEPARTMENT, STERLING
SECURITY, TULARE PUBLIC
DEFENDERS OFFICE,
Defendants.

) 1:11-cv-00904 OWW GSA

) **ORDER GRANTING APPLICATION TO**
) **PROCEED WITHOUT PREPAYMENT**
) **OF FEES OR COSTS**

) (Document 2)

Plaintiff is a prisoner proceeding pro pursuant to Title 42 of the United States Code section 1983 and has requested leave to proceed in forma pauperis pursuant to Title 28 of the United States Code section 1915. Plaintiff has made the showing required by section 1915(a), and accordingly, the request to proceed in forma pauperis will be granted. ¹ 28 U.S.C. § 1915(a).

¹Plaintiff 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 Title 28 of the United States Code section 1915(b)(1), Plaintiff is required to
2 pay the statutory filing fee of \$350.00 for this action.² Plaintiff is obligated to make monthly
3 payments in the amount of twenty percent of the preceding month's income credited to Plaintiff's
4 trust account. The Tulare County Sheriff's Department or its designee is required to send to the
5 Clerk of the Court payments from Plaintiff's account each time the amount in the account
6 exceeds \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

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

9 1. Plaintiff's application to proceed in forma pauperis is GRANTED;

10 **2. The Tulare County Sheriff's Department or its designee shall collect**
11 **payments from Plaintiff's prison trust account in an amount equal to twenty percent (20%)**
12 **of the preceding month's income credited to the prisoner's trust account and shall forward**
13 **those payments to the Clerk of the Court each time the amount in the account exceeds**
14 **\$10.00, in accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been**
15 **collected and forwarded to the Clerk of the Court. The payments shall be clearly identified**
16 **by the name and number assigned to this action.**

17 3. The Clerk of the Court is directed to serve a copy of this order and a copy of
18 Plaintiff's in forma pauperis application on the Tulare County Sheriff's Department via the
19 electronic case filing system (CM/ECF).

20 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
21 Department, U.S. District Court, Eastern District of California, Fresno Division.

22
23
24 _____
The Court has a large number of such cases pending before it and will screen Plaintiff's complaint in due course.

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

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IT IS SO ORDERED.

Dated: June 9, 2011

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE