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

JOSEPH MARTINEZ GARCIA,  
Plaintiff,  
vs.  
JAMES YATES,  
Defendant.

Case No. 1:11-cv-00972 OWW JLT (PC)  
ORDER GRANTING APPLICATION TO  
PROCEED IN FORMA PAUPERIS  
(Doc. 7)

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Plaintiff is a state prisoner proceeding pro se in an action pursuant to 42 U.S.C. § 1983. Plaintiff has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Plaintiff has made the showing required by § 1915(a) and accordingly, the request to proceed in forma pauperis will be granted. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments in the amount of twenty percent of the preceding month's income credited to Plaintiff's trust account. The California Department of Corrections is required to send to the Clerk of the Court payment from Plaintiff's account each time the amount in the account exceeds \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

In accordance with the above and good cause appearing therefore, it is **HEREBY ORDERED** that:

1. Plaintiff's application to proceed in forma pauperis (Doc. 7) is **GRANTED**.
2. The Director of the California Department of Corrections or his designee shall collect

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

- 3. The Clerk of the Court is directed to serve a copy of this order and a copy of Plaintiff's in forma pauperis application to the California Department of Corrections via the Court's electronic case filing system (CM/ECF).
- 4. 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, Fresno Division.

IT IS SO ORDERED.

Dated: June 27, 2011

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE