

1  
2  
3  
4  
5  
6  
7  
8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA  
10 FRESNO DIVISION  
11

12 ELTON WHITTNEY ERVIN,

1:12-cv-1779 AWI GSA

13 Plaintiff,

ORDER GRANTING APPLICATION TO  
PROCEED IN FORMA PAUPERIS

14 v.

and

15 MERCED POLICE DEPARTMENT, *et al.*,

ORDER DIRECTING PAYMENT  
OF INMATE FILING FEE BY  
CALIFORNIA DEPARTMENT OF  
CORRECTIONS  
(Doc. 4)

16 Defendants.  
17 \_\_\_\_\_ /

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

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

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

**2. The Director of the California Department of Corrections or his or her designee shall collect 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 on the Director of 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: November 19, 2012**

/s/ Gary S. Austin  
UNITED STATES MAGISTRATE JUDGE