

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LAVELL DARRYL YOUNG,

Plaintiff,

v.

MICHAEL R. KIETZ,

Defendant.

Case No. 1:14-cv-01471-LJO-SAB

ORDER GRANTING APPLICATION TO
PROCEED IN FORMA PAUPERIS

(ECF No. 8)

ORDER DIRECTING PAYMENT
OF INMATE FILING FEE BY
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION

17
18
19
20
21
22
23
24
25
26
27
28

Plaintiff is a state prisoner proceeding pro se in this action. On October 27, 2014, Plaintiff filed an application to proceed in forma pauperis in this action. (ECF No. 8.) 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 \$400.00 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 and Rehabilitation is required to send to the Clerk of the Court payments 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 1. Plaintiff's application to proceed in forma pauperis is GRANTED;

2 **2. The Director of the California Department of Corrections and Rehabilitation or**
3 **his designee shall collect payments from plaintiff's prison trust account in an amount equal**
4 **to twenty per cent (20%) of the preceding month's income credited to the prisoner's trust**
5 **account and shall forward those payments to the Clerk of the Court each time the amount**
6 **in the account exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2), until a total of**
7 **\$400.00 has been collected and forwarded to the Clerk of the Court. The payments shall be**
8 **clearly identified by the name and number assigned to this action;**

9 3. The Clerk of the Court is directed to serve a copy of this order and a copy of
10 plaintiff's in forma pauperis application on the Director of the California Department of
11 Corrections and Rehabilitation, via the court's electronic case filing system (CM/ECF);

12 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
13 Department, U.S. District Court, Eastern District of California, Sacramento Division; and

14 5. Within sixty (60) days of the date of service of this order, plaintiff shall submit a
15 certified copy of his prison trust account statement for the six-month period immediately
16 preceding the filing of the complaint, if plaintiff has not already done so.

17 IT IS SO ORDERED.

18 Dated: November 3, 2014

19 
20 UNITED STATES MAGISTRATE JUDGE