

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JASON ALBERT GONZALEZ,

CASE NO. 1:14-cv-1768 LJO BAM

Plaintiff,

**ORDER GRANTING IN FORMA
PAUPERIS APPLICATION
(Doc. 5).**

KEVIN SHIREY,

ORDER DIRECTING PAYMENT OF INMATE FILING FEE

Defendant.

ORDER DIRECTING PLAINTIFF TO RETURN CONSENT FORMS

Plaintiff is a prisoner proceeding pro se and has requested leave to proceed in forma pauperis pursuant to Title 28 of the United States Code section 1915(a). (Doc. 5). Plaintiff has made the showing required by section 1915(a), and accordingly, the request to proceed in forma pauperis will be granted. 28 U.S.C. § 1915(a). However, Plaintiff is required to pay the statutory filing fee of \$400.00 for this action. 28 U.S.C. § 1915(b)(1). He is also obligated to make monthly payments in the amount of twenty percent (20%) of the preceding month's income credited to plaintiff's trust account. The California Department of Corrections is required to send 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).

Additionally, Plaintiff is advised that the Court is required to screen complaints of pro se litigants pursuant to Title 28 of the United States Code section 1915A(a). The Court must dismiss a complaint or portion thereof if the litigant 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

1 defendant(s) who is immune from such relief. 28 U.S.C. § 1915A(b)(1)&(2). As a result, summonses
2 will not issue at this time. The Court will direct the United States Marshal to serve Plaintiff's
3 complaint only after the Court has screened the complaint and determined that it contains cognizable
4 claims for relief against the named defendants. The Court has a large number of such cases pending
5 before it and will screen Plaintiff's complaint in due course.

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

- 8 1. Plaintiff's application to proceed in forma pauperis is GRANTED.
- 9 2. **The Director of California Department of Corrections or his designee, shall**
10 **collect payments from plaintiff's prison trust account in an amount equal to**
11 **twenty per cent (20%) of the preceding month's income credited to the prisoner's**
12 **trust account and shall forward those payments to the Clerk of the Court each**
13 **time the amount in the account exceeds \$10.00, in accordance with 28 U.S.C. §**
14 **1915(b)(2), until a total of \$400.00 has been collected and forwarded to the Clerk**
15 **of the Court. The payments shall be clearly identified by the name and number**
16 **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 Director of the California Department of
19 Corrections, 1515 "S" Street, Sacramento, California 95814.

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

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2 6. Finally, the Clerk of the Court is directed to mail a “Consent to Magistrate
3 Jurisdiction Form” to Plaintiff. **Plaintiff shall complete the form and advise the**
4 **Court whether or not he will consent to Magistrate Judge jurisdiction no later**
5 **than December 5, 2014.** Plaintiff is advised that failure to complete the form may
6 result in dismissal of this action.
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9 IT IS SO ORDERED.
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11 Dated: January 5, 2015

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13 /s/ Barbara A. McAuliffe
14 UNITED STATES MAGISTRATE JUDGE
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