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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MANUEL CANEZ,

Plaintiff,

v.

JAMES PETRUCELI, KOJO H. MOORE,
and KELLY SMITH,

Defendants.

1:14-cv-01887 ---GSA

**ORDER GRANTING IN FORMA
PAUPERIS APPLICATION**

**ORDER DIRECTING PAYMENT OF
INMATE FILING FEE BY FRESNO
COUNTY JAIL**

(Doc. 2)

Plaintiff Manuel Canez (“Plaintiff”), proceeding pro se while incarcerated in Fresno County Jail, has filed a complaint in this action along with an application to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. (Docs. 1, 2).

Regarding his application to proceed in forma pauperis, Plaintiff has made the requisite showing under 28 U.S.C. § 1915(a). Accordingly, his application to proceed in forma pauperis is GRANTED. However, pursuant to 28 U.S.C. § 1915(b)(1), Plaintiff remains obligated to pay the statutory filing fee of \$350.00 for this action when funds exist in his inmate trust account at Fresno County Jail. Accordingly, Plaintiff shall make monthly payments in the amount of twenty percent (20%) of the preceding month’s income credited to his trust account. 28 U.S.C. §

1 1915(b)(2). The Fresno County Sheriff, or her designee, is required to send payments from
2 Plaintiff's trust account to the Clerk of this Court each time the amount in the account exceeds
3 \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

4 As to the status of his complaint, Plaintiff is advised that pursuant to 28 U.S.C.
5 § 1915(e)(2), the court must conduct an initial review of every pro se complaint to determine
6 whether it is legally sufficient under the applicable pleading standards. The court must dismiss a
7 complaint, or portion thereof, if the court determines that the complaint is legally frivolous or
8 malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a
9 defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). If the court determines that
10 the complaint fails to state a claim, leave to amend may be granted to the extent that the
11 deficiencies in the complaint can be cured by amendment. Plaintiff's complaint will be screened
12 in due course.

13
14 **ORDER**

15
16 IT IS HEREBY ORDERED that:

- 17 1. Plaintiff's application to proceed in forma pauperis is GRANTED;
- 18 2. The Fresno County Sheriff, or her designee, **shall** collect payments from
19 Plaintiff's trust account in an amount equal to twenty percent (20%) of the preceding month's
20 income credited to the trust account, and, each time the amount in the account exceeds \$10.00,
21 forward those payments to the Clerk of this Court in accordance with 28 U.S.C. § 1915(b)(2),
22 until a total of \$350.00 has been collected and forwarded to the Clerk of the Court. The payments
23 shall be clearly identified by the name and number assigned to this action;
- 24 3. The Clerk of the Court is directed to serve a copy of this order and a copy of
25 Plaintiff's in forma pauperis application on the Fresno County Sheriff (or her designee) via the
26 Court's electronic filing system (CM/ECF);
- 27 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
28 Department, U.S. District Court, Eastern District of California, Fresno Division; and

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5. Within sixty (60) days of the date of service of this order, Plaintiff shall submit a certified copy of his prison trust account statement for the six-month period immediately preceding the filing of the complaint.

IT IS SO ORDERED.

Dated: December 19, 2014

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE