

1
2
3
4
5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
7

8 JAMES TOBIAS,

9 Plaintiff

10 v.

11 KAYLA BODINE,

12 Defendant.
13

CASE No. 1:15-cv-00574---SAB

ORDER GRANTING APPLICATION TO
PROCEED IN FORMA PAUPERIS

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

(ECF No. 2)
14

15 Plaintiff is a prisoner proceeding pro se pursuant to 42 U.S.C. §1983 and has requested
16 leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. Plaintiff has made the showing
17 required by § 1915(a) and accordingly, the request to proceed in forma pauperis will be granted.
18 Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. §
19 1915(b)(1). Plaintiff is obligated to make monthly payments in the amount of twenty percent of
20 the preceding month's income credited to plaintiff's trust account. The California Department of
21 Corrections and Rehabilitation is required to send to the Clerk of the Court payments from
22 plaintiff's account each time the amount in the account exceeds \$10.00, until the statutory filing
23 fee is paid in full. 28 U.S.C. § 1915(b)(2).

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

- 26 1. Plaintiff's application to proceed in forma pauperis is GRANTED;
27 2. The Director of the California Department of Corrections and
28 Rehabilitation or his designee shall collect payments from plaintiff's prison trust account in

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

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

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

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

14
15 IT IS SO ORDERED.

16 Dated: April 16, 2015


UNITED STATES MAGISTRATE JUDGE