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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANSELMO SOLORIO,

Plaintiff,

v.

GARY JOHNSON, *et al.*

Defendants.

Case No. 1:15-cv-00657---GSA

**ORDER GRANTING IN FORMA
PAUPERIS APPLICATION**

**ORDER DIRECTING PAYMENT OF
INMATE FILING FEE**

(ECF Nos. 2, 8)

Plaintiff Anselmo Solorio (“Plaintiff”), proceeding *pro se* while incarcerated in Tulare County’s Bob Wiley Detention Facility, has filed a complaint in this action along with an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF Nos. 1, 2.) Plaintiff’s initial *in forma pauperis* application was incomplete and the Court instructed him to re-submit a fully completed version of the form. (ECF No. 7.) Plaintiff has complied with the Court’s instruction. (ECF No. 8.)

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

1 statutory filing fee of \$400.00 for this action when funds exist in his inmate trust account.
2 Accordingly, Plaintiff shall make monthly payments in the amount of twenty percent (20%) of the
3 preceding month's income credited to his trust account. 28 U.S.C. § 1915(b)(2). The Tulare
4 County Sheriff's Department, or its designee, is required to send payments from Plaintiff's trust
5 account to the Clerk of this Court each time the amount in the account exceeds \$10.00, until the
6 statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

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

16 17 **ORDER**

18 IT IS HEREBY ORDERED that:

- 19 1. Plaintiff's application to proceed *in forma pauperis* is GRANTED;
- 20 2. The Tulare County Sheriff's Department, or its designee, shall collect payments
21 from Plaintiff's trust account in an amount equal to twenty percent (20%) of the preceding
22 month's income credited to the trust account, and, each time the amount in the account exceeds
23 \$10.00, forward those payments to the Clerk of this Court in accordance with 28 U.S.C. §
24 1915(b)(2), until a total of \$400.00 has been collected and forwarded to the Clerk of the Court.
25 The payments shall be clearly identified by the name and number assigned to this action;
- 26 3. The Clerk of the Court is directed to serve a copy of this order and a copy of
27 Plaintiff's *in forma pauperis* application on the Sheriff of Tulare County, 2404 West Burrel
28 Avenue, Visalia, California 93291; and

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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: June 15, 2015

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE