

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ANTHONY CONKLIN,

Plaintiff,

V.

BRIDGET FLADAGER, and BRANDON
BERTRAM,

Defendants.

1:15-cv-00707---GSA

ORDER GRANTING IN FORMA PAUPERIS APPLICATION

ORDER DIRECTING PAYMENT OF INMATE FILING FEE

(ECF No. 2)

Plaintiff Anthony Conklin (“Plaintiff”), proceeding *pro se* while incarcerated in Stanislaus 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. (ECF Nos. 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 \$400.00 for this action when funds exist in his inmate trust account. 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. § 1915(b)(2). The Stanislaus County Sheriff's Department, or its designee, is required to send payments from Plaintiff's trust account to the Clerk of this Court each time the amount in the account exceeds \$10.00, until the

1 statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

2 As to the status of his complaint, Plaintiff is advised that pursuant to 28 U.S.C.
3 § 1915(e)(2), the court must conduct an initial review of every pro se complaint to determine
4 whether it is legally sufficient under the applicable pleading standards. The court must dismiss a
5 complaint, or portion thereof, if the court determines that the complaint is legally frivolous or
6 malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief from a
7 defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). If the court determines that
8 the complaint fails to state a claim, leave to amend may be granted to the extent that the
9 deficiencies in the complaint can be cured by amendment. Plaintiff's complaint will be screened
10 in due course.

11 **ORDER**

12 IT IS HEREBY ORDERED that:

13 1. Plaintiff's application to proceed *in forma pauperis* is GRANTED;
14 2. The Stanislaus County Sheriff's Department, or its designee, shall collect
15 payments from Plaintiff's trust account in an amount equal to twenty percent (20%) of the
16 preceding month's income credited to the trust account, and, each time the amount in the account
17 exceeds \$10.00, forward those payments to the Clerk of this Court in accordance with 28 U.S.C. §
18 1915(b)(2), until a total of \$400.00 has been collected and forwarded to the Clerk of the Court.
19 The payments shall be clearly identified by the name and number assigned to this action;

20 3. The Clerk of the Court is directed to serve a copy of this order and a copy of
21 Plaintiff's *in forma pauperis* application on the Sheriff of Stanislaus County, 250 E. Hackett
22 Road, Modesto, California 95358; and

23 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
24 Department, U.S. District Court, Eastern District of California, Fresno Division.

25 IT IS SO ORDERED.
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27 Dated: May 12, 2015

28 /s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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