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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LAKEITH L. MCCOY,
Plaintiff,
v.
A. HOLGUIN, et al.,
Defendants.

1:15-cv-00768-DAD-MJS (PC)
ORDER GRANTING MOTION FOR CLARIFICATION
(ECF No. 59)

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This matter proceeds on Plaintiff's Second Amended Complaint asserting excessive force and failure to protect claims against Defendants following a March 2015 assault. On March 7, 2017, the undersigned issued findings and recommendations recommending that Plaintiff's in forma pauperis status be revoked and he be directed to pay the \$400 filing fee in full. (ECF No. 56.) Those findings and recommendations are now before the district judge pursuant to 28 U.S.C. § 636(b)(1)(C).

In the interim, Plaintiff filed a motion for clarification concerning the amount of money he would owe in the event the district judge adopts the findings and recommendations. (ECF No. 59.)

1 When bringing an action, a prisoner must either pay the \$350.00 filing fee and a
2 \$50.00 administrative fee in a lump sum or, if granted the privilege of proceeding in
3 forma pauperis, pay the \$350.00 filing fee incrementally as set forth in 28 U.S.C. §
4 1915(b)(1). Effective May 1, 2013, the Clerks of Court for the United States District
5 Courts are required to collect a \$50.00 administrative fee for the filing of a civil action,
6 suit, or proceeding in a district court. See Judicial Conference Schedule of Fees, District
7 Court Miscellaneous Fee Schedule & 14 (effective May 1, 2013), foll. 28 U.S.C. § 1914.
8 However, the administrative fee “does not apply to applications for a writ of habeas
9 corpus or to persons granted in forma pauperis.”

10 When Plaintiff was granted leave to proceed in forma pauperis on July 14, 2015
11 (ECF No. 9), he was directed to pay the \$350 filing fee pursuant to § 1915(b)(1). In the
12 event that the district judge adopts the undersigned’s recommendation to revoke
13 Plaintiff’s in forma pauperis status, Plaintiff will be required to pay the \$400 filing fee in
14 full, which includes the additional \$50 administrative fee. This payment may be made to
15 the United States District Court Clerk of Court. The Clerk’s Office of the United States
16 District Court for the Eastern District of California, Fresno Division is located in Room
17 1501 on the 1st Floor of the Robert E. Coyle United States Courthouse, 2500 Tulare
18 Street, Fresno, California 93721.

19 Based on the foregoing, IT IS HEREBY ORDERED that Plaintiff’s motion for
20 clarification (ECF No. 59) is GRANTED.

21 IT IS SO ORDERED.

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23 Dated: April 14, 2017

/s/ Michael J. Seng
24 UNITED STATES MAGISTRATE JUDGE
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