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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

FAUSTINO RUA ORTIZ,
Plaintiff,
v.
MADRUGA, *et al.*
Defendants.

Case No. 1:16-cv-01823-LJO-EPG

**ORDER GRANTING IN FORMA
PAUPERIS APPLICATION**

**ORDER DIRECTING PAYMENT OF
INMATE FILING FEE BY THE
CALIFORNIA DEPARTMENT OF
CORRECTIONS**

(ECF No. 2)

Plaintiff Faustino Rua Ortiz, proceeding *pro se* while incarcerated in Chuckawalla State Prison, 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 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 California Department of Corrections and Rehabilitation, or its designee, is required to send payments from Plaintiff's trust account to the Clerk of the Court each time the amount in the account exceeds \$10.00 until the statutory filing fee is paid in full. 28

1 U.S.C. § 1915(b)(2).

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. Plaintiff's application to proceed *in forma pauperis* is GRANTED;
- 4 2. The California Department of Corrections and Rehabilitation, or its designee, shall
5 collect payments from Plaintiff's inmate trust account in an amount equal to
6 twenty percent (20%) of the preceding month's income credited to the trust
7 account, and, each time the amount in the account exceeds \$10.00, forward those
8 payments to the Clerk of this Court in accordance with 28 U.S.C. § 1915(b)(2),
9 until a total of \$400.00 has been collected and forwarded to the Clerk of the Court.
10 The payments shall be clearly identified by the name and number assigned to this
11 action;
- 12 3. The Clerk of the Court is DIRECTED to serve a copy of this Order and a copy of
13 Plaintiff's *in forma pauperis* application on the Director of the California
14 Department of Corrections and Rehabilitation, via the Court's electronic case
15 filing system (CM/ECF); and,
- 16 4. The Clerk of the Court is DIRECTED to serve a copy of this order on the
17 Financial Department, U.S. District Court, Eastern District of California.

18 IT IS SO ORDERED.

19 Dated: December 22, 2016

20 /s/ Eric P. Gray
21 UNITED STATES MAGISTRATE JUDGE
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