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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LARRY McCORVEY,
Plaintiff,
v.
DISTRICT ATTORNEY,
Defendant.

Case No. 1:17-cv-00035-LJO-SAB (PC)
ORDER GRANTING APPLICATION TO
PROCEED IN FORMA PAUPERIS AND
DIRECTING PAYMENT OF INMATE
FILING FEE BY FRESNO COUNTY JAIL
(ECF No. 3)

Plaintiff Larry McCorvey, a pretrial detainee, is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed a complaint in this action on January 10, 2017. (ECF No. 1.) On January 12, 2017, an order issued requiring Plaintiff to pay the filing fee or file an application to proceed without prepayment of fees. (ECF No. 2.) On January 23, 2017, Plaintiff filed a motion to proceed without prepayment of fees.

Plaintiff seeks to proceed without prepayment of fees in this action pursuant to 28 U.S.C. § 1915. Plaintiff has made the showing required by § 1915(a) and accordingly, the request to proceed in forma pauperis will be granted. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments in the amount of twenty percent of the preceding month's income credited to plaintiff's trust account. The California Department of Corrections and Rehabilitation is required to send to the Clerk of the Court payments from plaintiff's account each time the amount in the account

1 exceeds \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

2 Based on the foregoing, it is HEREBY ORDERED that:

- 3 1. Plaintiff's application to proceed in forma pauperis is granted;
- 4 2. The Fresno County Sheriff or his designee shall collect payments from plaintiff's
5 inmate trust account in an amount equal to twenty per cent (20%) of the preceding
6 month's income credited to the detainee's trust account and shall forward those
7 payments to the Clerk of the Court each time the amount in the account exceeds
8 \$10.00, in accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has
9 been collected and forwarded to the Clerk of the Court. The payments shall be
10 clearly identified by the name and number assigned to this action;
- 11 3. The Clerk of the Court is directed to serve a copy of this order and a copy of
12 plaintiff's in forma pauperis application on the Fresno County Jail via the court's
13 electronic case filing system (CM/ECF);
- 14 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
15 Department, U.S. District Court, Eastern District of California, Sacramento
16 Division; and
- 17 5. Within sixty (60) days of the date of service of this order, plaintiff shall submit a
18 certified copy of his inmate trust account statement for the six-month period
19 immediately preceding the filing of the complaint, if plaintiff has not already done
20 so.

21 IT IS SO ORDERED.

22 Dated: January 24, 2017

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25 UNITED STATES MAGISTRATE JUDGE
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