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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBERT J. RODRIGUEZ,

Plaintiff,

v.

DON PENNER, et al.,

Defendants.

Case No. 1:17-cv-00204-DAD-SAB

ORDER GRANTING APPLICATION TO
PROCEED IN FORMA PAUPERIS

ORDER DIRECTING PAYMENT OF
INMATE FILING FEE BY FRESNO
COUNTY JAIL

(ECF No. 8)

17 Plaintiff Robert J. Rodriguez, a pretrial detainee, is appearing pro se in this civil rights
18 action pursuant to 42 U.S.C. § 1983. On February 13, 2017, Plaintiff filed a complaint in this
19 action. (ECF No. 1.) However, Plaintiff did not file an application to proceed in forma pauperis
20 or pay the filing fee. On February 15, 2017, the Court ordered Plaintiff to either pay the filing
21 fee or file an application demonstrating that he is entitled to proceed in this action without
22 prepayment of the filing fee. (ECF No. 2.) On March 16, 2017, Plaintiff filed an application to
23 proceed in forma pauperis. (ECF No. 5.) However, the form was incomplete and the Court
24 denied the application without prejudice on March 20, 2017. (ECF No. 6.) On March 29, 2017,
25 Plaintiff filed another application to proceed in forma pauperis. (ECF No. 8.)

26 Plaintiff has made the showing required by § 1915(a) and accordingly, the request to
27 proceed in forma pauperis will be granted. Plaintiff is obligated to pay the statutory filing fee of
28 \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly

1 payments in the amount of twenty percent of the preceding month's income credited to
2 Plaintiff's trust account. The Fresno County Jail is required to send to the Clerk of the Court
3 payments from plaintiff's account each time the amount in the account exceeds \$10.00, until the
4 statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

5 In accordance with the above and good cause appearing therefore, IT IS HEREBY
6 ORDERED that:

- 7 1. Plaintiff's application to proceed in forma pauperis is GRANTED;
- 8 2. **The Fresno County Sheriff or his designee shall collect payments from**
9 **Plaintiff's jail trust account in an amount equal to twenty per cent (20%) of the preceding**
10 **month's income credited to the detainee's trust account and shall forward those payments**
11 **to the Clerk of the Court each time the amount in the account exceeds \$10.00, in**
12 **accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and**
13 **forwarded to the Clerk of the Court. The payments shall be clearly identified by the name**
14 **and number assigned to this action;**
- 15 3. The Clerk of the Court is directed to serve a copy of this order and a copy of
16 Plaintiff's in forma pauperis application on the Fresno County Jail, via the court's electronic case
17 filing system (CM/ECF); and
- 18 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
19 Department, U.S. District Court, Eastern District of California, Sacramento Division.

20
21 IT IS SO ORDERED.

22
23 Dated: March 30, 2017



UNITED STATES MAGISTRATE JUDGE