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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

EURIE BRIM, III,

Plaintiff,

v.

WILLIAM J. SCHLAERTH, *et al.*

Defendants.

Case No. 1:17-cv-00797-AWI-EPG

**ORDER GRANTING IN FORMA
PAUPERIS APPLICATION**

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

(ECF No. 2)

Plaintiff Eurie Brim III, proceeding *pro se* while incarcerated in California Correctional Institution in Tehachapi, California, 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 \$350.00 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

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

3 Accordingly, IT IS HEREBY ORDERED that:

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

19 IT IS SO ORDERED.

20 Dated: August 15, 2017

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