

**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

GERALD STEWART,

Plaintiff,

v.

CHRISTIANSON, et al.,

Defendants.

Case No. 1:17-cv-00936-BAM (PC)

ORDER GRANTING MOTION TO  
PROCEED IN FORMA PAUPERIS

(ECF No. 9)

ORDER DIRECTING PAYMENT OF  
INMATE FILING FEE BY STANISLAUS  
COUNTY JAIL

Plaintiff Gerald Stewart ("Plaintiff") is appearing pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff initiated this action on July 1, 2017. (ECF No. 1.) That same day, Plaintiff filed a motion to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. (ECF No. 3.) Plaintiff's application was not signed or dated, there was no certified copy of Plaintiff's trust account statement, and the certificate portion of the form was not signed, dated, or filled-out by an authorized officer of the correctional institution. The Court denied the motion without prejudice and ordered Plaintiff to submit a completed form within forty-five (45) days. (ECF No. 6.)

Currently before the Court is Plaintiff's renewed motion to proceed in forma pauperis. (ECF No. 9.)

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

1 \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments  
2 in the amount of twenty percent (20%) of the preceding month's income credited to Plaintiff's  
3 trust account. The Sheriff of Stanislaus County Jail is required to send to the Clerk of the Court  
4 payments from Plaintiff's trust account each time the amount in the account exceeds \$10.00, until  
5 the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

6 Accordingly, IT IS HEREBY ORDERED that:

7 1. Plaintiff's application to proceed in forma pauperis (ECF No. 6) is GRANTED;

8 **2. The Sheriff of Stanislaus County Jail or his or her designee shall collect**  
9 **payments from Plaintiff's prison trust account in an amount equal to twenty per cent**  
10 **(20%) of the preceding month's income credited to the prisoner's trust account and**  
11 **shall forward those payments to the Clerk of the Court each time the amount in the**  
12 **account exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2), until a total of**  
13 **\$350.00 has been collected and forwarded to the Clerk of the Court. The payments**  
14 **shall be clearly identified by the name 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 Sheriff of Stanislaus County Jail at, Attn:  
17 Inmate Trust Account, 250 E. Hackett Road, Modesto, California 95358; 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.

20  
21 IT IS SO ORDERED.

22 Dated: August 21, 2017

23 /s/ Barbara A. McAuliffe  
24 UNITED STATES MAGISTRATE JUDGE  
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