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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

MARCUS KERNELL WINSTEAD,

 Plaintiff,

 v.

ANDREW MATEVOUSIAN, et al.,

 Defendants.

Case No. 1:17-cv-00951-DAD-BAM (PC)

ORDER GRANTING MOTION TO
PROCEED IN FORMA PAUPERIS

(ECF No. 7)

ORDER DIRECTING PAYMENT OF
INMATE FILING FEE BY USP LEWISBURG

Plaintiff Marcus Kernell Winstead (“Plaintiff”) is appearing pro se in this civil rights action pursuant to Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics, 403 U.S. 388 (1971). On July 17, 2017, Plaintiff filed a complaint, together with a motion to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. (ECF Nos. 1, 2.) There was no certified copy of Plaintiff’s trust account statement attached to Plaintiff’s application, and the certificate portion of the form was not signed, dated, or filled-out by an authorized officer of the correctional institution. Plaintiff attached a declaration requesting to file his application without the trust account statement or staff signature because prison staff refused to print out his trust account statement. Plaintiff further stated that he anticipated being transferred to USP Lewisburg in the next week or two. (ECF No. 2.) Based on this information, the Court denied the motion without prejudice and ordered Plaintiff to submit a completed form within forty-five (45) days. (ECF No. 4.)

1 Currently before the Court is Plaintiff's renewed motion to proceed in forma pauperis.
2 (ECF No. 7.)

3 Plaintiff has made the showing required by § 1915(a) and accordingly, the request to
4 proceed in forma pauperis will be granted. Plaintiff is obligated to pay the statutory filing fee of
5 \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments
6 in the amount of twenty percent (20%) of the preceding month's income credited to Plaintiff's
7 trust account. The Warden of USP Lewisburg is required to send to the Clerk of the Court
8 payments from Plaintiff's trust account each time the amount in the account exceeds \$10.00, until
9 the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

10 Accordingly, IT IS HEREBY ORDERED that:

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

12 **2. The Warden of USP Lewisburg or his or her designee shall collect payments**
13 **from Plaintiff's prison trust account in an amount equal to twenty per cent (20%) of**
14 **the preceding month's income credited to the prisoner's trust account and shall**
15 **forward those payments to the Clerk of the Court each time the amount in the**
16 **account exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2), until a total of**
17 **\$350.00 has been collected and forwarded to the Clerk of the Court. The payments**
18 **shall be clearly identified by the name and number assigned to this action;**

19 3. The Clerk of the Court is directed to serve a copy of this order and a copy of
20 Plaintiff's in forma pauperis application on the Warden of USP Lewisburg, U.S.
21 Penitentiary, 2400 Robert F. Miller Drive, Lewisburg, PA 17837; and

22 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
23 Department, U.S. District Court, Eastern District of California.

24
25 IT IS SO ORDERED.

26 Dated: August 30, 2017

27 /s/ Barbara A. McAuliffe
28 UNITED STATES MAGISTRATE JUDGE