

1 the Kern County Sheriff Financial Department on August 5, 2017, but the application was not
2 signed and returned. Plaintiff attached a copy of his account statement, and the response to his
3 request that was signed by a member of the Sheriff's Department. (Id.) On August 21, 2017, the
4 Court issued an order finding that Plaintiff had provided the necessary information to fulfill the
5 requirements for a trust account statement and certification, and denying the motion to compel as
6 moot. (ECF No. 9.) Plaintiff was directed to file a new application to proceed in forma pauperis,
7 and specifically requested more information regarding the five-bedroom home listed as an asset in
8 Plaintiff's prior application.

9 The same day the Court's order was issued, Plaintiff filed renewed motions to compel and
10 to proceed in forma pauperis on August 21, 2017. (ECF Nos. 10, 11.) As it appeared Plaintiff's
11 motions crossed with the Court's order in the mail, and Plaintiff's renewed motion to proceed in
12 forma pauperis did not contain the requested information regarding Plaintiff's assets, those
13 motions were denied. (ECF No. 12.)

14 Currently before the Court is Plaintiff's third motion to proceed in forma pauperis. (ECF
15 No. 13.) Plaintiff states that his residence is co-owned with his spouse, who is currently the sole
16 resident of the property. (Id.)

17 On the basis of the instant motion and the documents attached to Plaintiff's motion to
18 compel, (ECF No. 8, pp. 2-4), Plaintiff has made the showing required by § 1915(a) and
19 accordingly, the request to proceed in forma pauperis will be granted. Plaintiff is obligated to pay
20 the statutory filing fee of \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to
21 make monthly payments in the amount of twenty percent (20%) of the preceding month's income
22 credited to Plaintiff's trust account. The Sheriff of Lerdo Pre-Trial Facility is required to send to
23 the Clerk of the Court payments from Plaintiff's trust account each time the amount in the
24 account exceeds \$10.00, until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

25 Accordingly, IT IS HEREBY ORDERED that:

- 26 1. Plaintiff's application to proceed in forma pauperis (ECF No. 6) is GRANTED;
- 27 2. **The Sheriff of Lerdo Pre-Trial Facility or his or her designee shall collect**
- 28 **payments from Plaintiff's prison trust account in an amount equal to twenty per cent**

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(20%) of the preceding month's income credited to the prisoner's trust account and shall forward those payments to the Clerk of the Court each time the amount in the account exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and forwarded to the Clerk of the Court. The payments shall be clearly identified by the name and number assigned to this action;

3. The Clerk of the Court is directed to serve a copy of this order and a copy of Plaintiff's in forma pauperis application on the Sheriff of Lerdo Pre-Trial Facility at, Attn: Inmate Trust Account, 17695 Industrial Farm Road, Bakersfield, CA 93308; and

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

IT IS SO ORDERED.

Dated: August 31, 2017

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE