

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

RICHARD ACORD,

Plaintiff,

V.

CHAMPIONS RECOVERY ALTERNATIVES, *et al.*,

Defendants.

Case No. 1:17-cv-01145-LJO-EPG

**ORDER GRANTING MOTION TO
PROCEED *IN FORMA PAUPERIS***

(ECF No. 5)

Plaintiff Richard Acord is proceeding *pro se* in this action pursuant to 42 U.S.C. § 1983.

Plaintiff states that he is in custody in Kings County Jail in Kings County California. (ECF No. 1).

1.) On August 25, 2017, Plaintiff submitted an application to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. (ECF No. 2.) The Court denied the application due to Plaintiff's failure to submit an affidavit stating his assets with particularity, but granted leave to submit a second application. (ECF No. 3.)

On October 13, 2017, Plaintiff filed a second application to proceed *in forma pauperis*. (ECF No. 5.) 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 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.

1 28 U.S.C. § 1915(b)(2). The Sheriff of Kings County, or its designee, is required to send
2 payments from Plaintiff's trust account to the Clerk of the Court each time the amount in the
3 account exceeds \$10.00 until the statutory filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. Plaintiff's application to proceed *in forma pauperis* is GRANTED;

6 2. Within sixty (60) days of the date of service of this order, Plaintiff shall submit a
7 certified copy of his inmate trust account statement for the six-month period
8 immediately preceding the filing of the complaint, if Plaintiff has not already
9 done so;

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

17 4. The Clerk of the Court is directed to serve a copy of this Order and a copy of
18 Plaintiff's *in forma pauperis* application on the Sheriff of Kings County, via mail
19 at 1444 W. Lacey Blvd. Hanford, CA 93230; and

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

22 IT IS SO ORDERED.

23 Dated: October 23, 2017

24 /s/ *Eric P. Groj*
25 UNITED STATES MAGISTRATE JUDGE

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