

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

AARON STRIBLING,

Plaintiff,

v.

E. WILSON, et al.,

Defendants.

Case No. 1:17-cv-01275-BAM (PC)

ORDER GRANTING MOTION TO
PROCEED IN FORMA PAUPERIS

(ECF No. 2)

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

Plaintiff Aaron Stribling ("Plaintiff") is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. This action was transferred from the Central District on September 25, 2017. (ECF No. 5.)

On September 18, 2017, Plaintiff filed the instant request to proceed in forma pauperis. (ECF No. 2.) Plaintiff's application included a copy of his trust account statement, but it was not certified. In addition, the certificate portion of the form was not completed or signed by an authorized officer of the institution.

On September 25, 2017, the Clerk of the Court directed the California Department of Corrections and Rehabilitation to submit a certified prison trust account statement for Plaintiff within 72 business hours. (ECF No. 7.) Plaintiff's certified trust account statement was filed on September 26, 2017. (ECF No. 8.)

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

8 Accordingly, IT IS HEREBY ORDERED that:

9 1. Plaintiff's application to proceed in forma pauperis (ECF No. 2) is GRANTED;

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

18 3. The Clerk of the Court is directed to serve a copy of this order and a copy of
19 Plaintiff's in forma pauperis application on the Director of the California Department of
20 Corrections, via the court's electronic case filing system (CM/ECF); and

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

23 IT IS SO ORDERED.
24

25 Dated: September 27, 2017

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