

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARRON DANIELS, *et al.*,  
Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF  
CORRECTIONS AND  
REHABILITATION, *et al.*,  
Defendants.

CASE NO. 1:17-cv-01510-AWI-BAM

ORDER GRANTING PLAINTIFF DARRON  
DANIELS' IN FORMA PAUPERIS  
APPLICATION  
(Doc. 2)

ORDER DIRECTING PAYMENT OF DARRON  
DANIELS' INMATE FILING FEE

\_\_\_\_\_ /

Plaintiff Darron Daniels ("Plaintiff"), a state prisoner proceeding pro se, filed this action pursuant to 42 U.S.C. § 1983, on November 9, 2017. Currently before the Court is Plaintiff's motion for leave to proceed in forma pauperis pursuant to 28 U.S.C. §1915. (Doc. 2.)

Plaintiff has made the showing required by § 1915(a) and accordingly, the request to proceed in forma pauperis will be granted.<sup>1</sup> Plaintiff Daniels is obligated to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments in the amount of twenty percent (20%) of the preceding month's income credited to Plaintiff's trust account. The California Department of Corrections is required to send to the Clerk of the Court payments from

<sup>1</sup> Although Plaintiff's application indicates that he is not incarcerated, the docket and filings on record in this matter, including Plaintiff's prison trust account statement, reflect that Plaintiff is incarcerated at the California Substance Abuse and Treatment Facility in Corcoran, California. (Docs. 1 and 2.) Plaintiff is cautioned that factual contentions in any signed pleading, written motion or other paper presented to the Court must have evidentiary support and that denials of factual contentions must be warranted. Fed. R. Civ. P. 11(b).

1 Plaintiff's trust account each time the amount in the account exceeds \$10.00, until the statutory filing  
2 fee is paid in full. 28 U.S.C. § 1915(b)(2).

3 Accordingly, IT IS HEREBY ORDERED that:

4 1. Plaintiff Darron Daniels' application to proceed in forma pauperis, filed on November  
5 9, 2017 (Doc. 2), is GRANTED;

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

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

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

18 IT IS SO ORDERED.

19 Dated: November 22, 2017

/s/ Barbara A. McAuliffe  
20 UNITED STATES MAGISTRATE JUDGE