

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
EASTERN DISTRICT OF CALIFORNIA

GABRIEL MARTINEZ,
Plaintiff,
v.
AMY LOPEZ, et al.,
Defendants.

Case No. 1:18-cv-00221-DAD-SAB
ORDER GRANTING APPLICATION TO
PROCEED IN FORMA PAUPERIS
ORDER DIRECTING PAYMENT OF
INMATE FILING FEE BY FRESNO
COUNTY JAIL
(ECF No. 4)

Plaintiff Gabriel Martinez, who is incarcerated in Fresno County Jail, appears pro se in this action. On February 13, 2018, Plaintiff filed a complaint in this action and an application to proceed in forma pauperis. (ECF Nos. 1, 2.) Plaintiff’s application to proceed in forma pauperis was denied without prejudice. (ECF No. 3.) On March 5, 2018, Plaintiff filed a second application to proceed in forma pauperis. (ECF No. 4.)

Plaintiff has made the showing required by § 1915(a) and accordingly, the request to proceed in forma pauperis will be granted. Plaintiff 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 of the preceding month’s income credited to plaintiff’s trust account. The Fresno County Jail is required to send to the Clerk of the Court payments from Plaintiff’s account each time the amount in the account exceeds \$10.00, until the statutory

1 filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

2 In accordance with the above and good cause appearing therefore, IT IS HEREBY
3 ORDERED that:

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

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

12 3. The Clerk of the Court is directed to serve a copy of this order and a copy of
13 plaintiff's in forma pauperis application on the Fresno County Jail, via the court's electronic case
14 filing system (CM/ECF); and

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

17
18 IT IS SO ORDERED.

19 Dated: March 6, 2018

20 
21 _____
22 UNITED STATES MAGISTRATE JUDGE
23
24
25
26
27
28