

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

JOSE RAYMUNDO LEAL,

Plaintiff,

v.

P.O. MUZUKA, et al.,

Defendants.

Case No. 1:19-cv-01223-DAD-BAM

ORDER GRANTING MOTION TO
PROCEED IN FORMA PAUPERIS

(Doc. No. 2)

ORDER DIRECTING PAYMENT OF
INMATE FILING FEE

Plaintiff Jose Raymundo Leal (“Plaintiff”), proceeding pro se, filed this civil rights action on September 5, 2019. (Doc. No. 1.) Plaintiff was a county jail inmate at the time the action was filed but is currently a state prisoner incarcerated at the Wasco State Prison. (Doc. No. 3.) Currently before the Court is Plaintiff’s motion to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. (Doc. No. 2.)

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

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff’s application to proceed in forma pauperis is GRANTED;
2. **The Director of the California Department of Corrections or his/her designee**

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

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

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

12 5. Plaintiff's complaint will be screened in due course pursuant to 28 U.S.C. §
13 1915(e)(2).

14
15 IT IS SO ORDERED.

16 Dated: October 9, 2019

17 /s/ Barbara A. McAuliffe
18 UNITED STATES MAGISTRATE JUDGE
19
20
21
22
23
24
25
26
27
28