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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TYRONE POWELL YOUNG,

 Plaintiff,

 v.

CLARK, *et al.*,

 Defendants.

Case No. 1:22-cv-01219-JLT-BAM (PC)

ORDER DENYING PLAINTIFF’S MOTION
FOR AN ORDER FOR CDCR TO
GENERATE A CASHIER’S CHECK TO PAY
COURT FILING FEE WITHOUT PREJUDICE
(ECF No. 17)

ORDER GRANTING EXTENSION OF TIME
FOR PLAINTIFF TO PAY FILING FEE

FORTY-FIVE (45) DAY DEADLINE

Plaintiff Tyrone Powell Young (“Plaintiff”) is a state prisoner proceeding *pro se* in this action pursuant to 42 U.S.C. § 1983.

On September 28, 2022, the undersigned issued findings and recommendations that Plaintiff’s application to proceed *in forma pauperis* be denied on the basis that Plaintiff is able to afford the costs of this action, and that Plaintiff be required to pay the \$402.00 filing fee in full to proceed with this action. (ECF No. 10.) Plaintiff filed objections on October 14, 2022 and October 17, 2022. (ECF Nos. 11, 12.) The District Judge adopted the findings and recommendations in full on October 19, 2022, and ordered Plaintiff to pay the filing fee within twenty-one days. (ECF No. 13.)

On October 21, 2022, Plaintiff filed a motion for an extension of time to pay the filing fee, indicating that he attempted to secure a cashier’s check to pay the filing fee, but he did not know

1 when the Trust Office would have the cashier's check ready. (ECF No. 14.) The Court found
2 good cause to grant the extension of time, and Plaintiff's filing fee is currently due on or before
3 November 28, 2022. (ECF No. 15.)

4 Currently before the Court is Plaintiff's "Motion Requesting Order for CDCR to Generate
5 a Cashier's Check for \$402.00 To Pay Court Filing Fee," filed November 17, 2022. (ECF No.
6 17.) Plaintiff states that on October 10, 2022, he received an answer from the Trust Office
7 concerning his request for a \$402.00 check or money order, and he was instructed to see an
8 attached memo. Plaintiff alleges that the Memorandum dated October 7, 2022, attached to
9 Plaintiff's motion, stated that the cashier's check must be "Approved" by the Eastern District of
10 California (Fresno Division). Plaintiff has also attempted to verify whether the funds were
11 withdrawn from his trust account. As it appears no funds were withdrawn, Plaintiff requests that
12 the Court compel CSP – Sacramento to generate a cashier's check in the amount of \$402.00 from
13 Plaintiff's trust account to be mailed by Plaintiff to the Court in Fresno. (*Id.*)

14 Upon review of the Exhibit #2 attached to Plaintiff's motion, (ECF No. 17, p. 5), it
15 appears that CDCR denied Plaintiff's trust withdrawal request because it "MUST be 'Approved'
16 by Counselor WITH STAMP." The memorandum does not appear to require a court order.
17 Therefore, based on this memorandum, and the Court's prior experiences collecting filing fees
18 from plaintiffs who are in custody, a court order is unnecessary and Plaintiff's motion is denied,
19 without prejudice.

20 However, in light of Plaintiff's allegations regarding his difficulties in processing payment
21 of the filing fee for this action, the Court finds it appropriate to extend the deadline for Plaintiff to
22 submit his filing fee.

23 Plaintiff is further advised that a cashier's check or money order is not necessary to pay
24 the filing fee, and he may authorize a withdrawal of \$402.00 from his prison trust account, to be
25 sent to the Court directly from CDCR by check. Plaintiff should include the case number for this
26 action in his withdrawal request. Alternatively, it appears Plaintiff must receive approval from
27 his Correctional Counselor to receive a cashier's check if Plaintiff wishes to mail a cashier's
28 check to the Court himself.

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Accordingly, IT IS HEREBY ORDERED as follows:

1. Plaintiff's motion requesting a court order for CDCR to generate a cashier's check, (ECF No. 17), is DENIED, without prejudice;
2. The deadline for Plaintiff to pay the \$402.00 filing fee is extended to **forty-five (45) days** from the date of service of this order; and
3. The Clerk of the Court is directed to forward a copy of this Order and Plaintiff's motion, (ECF No. 17), to the Litigation Coordinator at California State Prison – Sacramento, that they might be made aware of the difficulty Plaintiff is experiencing in processing payment of the filing fee for this action.

IT IS SO ORDERED.

Dated: November 18, 2022

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE