

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRANK MONACO BAZZO,
Plaintiff,
v.
STATE OF CALIFORNIA, et al.
Defendants.

No. 1:23-cv-01454-KES-SAB (PC)

**ORDER DENYING PLAINTIFF'S MOTION
TO REMOVE FILING FEE**

(ECF No. 23)

Plaintiff is proceeding pro se and in forma pauperis in this action filed pursuant to 42 U.S.C. § 1983.

Currently before the Court is Plaintiff's motion to remove the filing fee, filed March 3, 2025.

On November 22, 2024, the Court granted Plaintiff's motion to proceed in forma pauperis in this action, and advised Plaintiff that “[t]he Director of the California Department of Corrections or designee shall collect payments from plaintiff's prison trust account in an amount equal to twenty percent (20%) of the preceding month's income credited to the prisoner's trust account and shall forward those payments to the Clerk of the Court each time the amount in the account exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been collected and forwarded to the Clerk of the Court.” (ECF No. 20.)

111

1 Although Plaintiff seeks to stop the deduction of the filing fee from his prisoner trust
2 account, he fails to provide any authority to do so, and the Court finds no such authority. While
3 Plaintiff may not currently have funds in his trust account, he is nonetheless obligated to pay the
4 filing fee and the Court shall collect an mount equal to 20% when his account exceeds \$10.00, in
5 accordance with 28 U.S.C. § 1915(b)(2). Accordingly, Plaintiff's motion to remove the filing fee
6 is DENIED.

7

8 IT IS SO ORDERED.

9 Dated: March 4, 2025



STANLEY A. BOONE
United States Magistrate Judge

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28