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United States District Court  
Eastern District of California

Lawrence Birks,

Plaintiff,

vs.

C. A. Terhune, et al.,

Defendants.

No. Civ. S 05-1105 LKK PAN P

Notice

-oOo-

Plaintiff is a prisoner, without counsel, seeking leave to commence an action against prison officials for civil rights violations in forma pauperis pursuant to 28 U.S.C. § 1915(a). This proceeding was referred to this court by Local Rule 72-302 pursuant to 28 U.S.C. § 636(b)(1). Pursuant to 28 U.S.C. § 1915(b)(1), plaintiff must pay the \$250.00 filing fee required by 28 U.S.C. § 1914(a). No initial partial filing fee has been assessed. However, plaintiff must make monthly payments of 20 percent of the preceding month's income credited to his trust

1 fund account. 28 U.S.C. § 1915(b)(2). The agency having custody  
2 of plaintiff is required to forward payments from plaintiff's  
3 account to the clerk of the court each time the amount in the  
4 account exceeds \$10 until the filing fee is paid.

5 The clerk of the court shall serve a copy of this notice and  
6 a copy of plaintiff's in forma pauperis application upon the  
7 Director of the California Department of Corrections and deliver  
8 a copy of this notice to the clerk's financial division.

9 Dated: November 17, 2005.

10 /s/ Peter A. Nowinski  
11 PETER A. NOWINSKI  
12 Magistrate Judge  
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