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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 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

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

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

Dated: January 5, 2006.

/s/ Peter A. Nowinski PETER A. NOWINSKI Magistrate Judge