

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

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|----------------------------|---|----------------------------------|
| ROBERT DENNIS WELLS, |) | CIVIL NO. 08-00514 MJS-BMK |
| |) | |
| Plaintiff, |) | |
| |) | ORDER GRANTING |
| vs. |) | APPLICATION FOR LEAVE TO |
| |) | PROCEED <i>IN FORMA PAUPERIS</i> |
| BUTTE COUNTY JAIL, et al., |) | AND DIRECTING COLLECTION |
| |) | OF FILING FEE |
| Defendants. |) | |
| _____ |) | |

**ORDER GRANTING APPLICATION FOR LEAVE TO PROCEED
IN FORMA PAUPERIS AND DIRECTING COLLECTION OF FILING FEE**

Plaintiff is proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C § 1983 and has requested leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915.

Plaintiff has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a). Accordingly, Plaintiff's request to proceed *in forma pauperis* is **GRANTED**. Plaintiff is required to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. §§ 1914(a), 1915(b)(1). When, as here, Plaintiff has insufficient funds available in his prison trust account, the court does not assess an initial partial filing fee. 28 U.S.C. § 1915(b)(1).

The court is required to screen complaints brought by prisoners seeking relief against a government entity or officer or employee of a government

entity. 28 U.S.C. § 1915A(a). The court has not yet screened the Complaint to determine whether it sufficiently states a claim and shall proceed in the normal course. After screening, if the court determines that Plaintiff's Complaint states a claim, the court will issue a written Order and will then instruct the Clerk of the Court to send Plaintiff the documents necessary to effect service.

CONCLUSION

1. Plaintiff's request for leave to proceed *in forma pauperis* is GRANTED.
2. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action.
3. The Clerk of the Court is DIRECTED to serve a copy of this Order on Plaintiff at 268 Camino Norte, Chico, CA 95973.
4. The court has not yet screened the Complaint to determine whether it sufficiently states a claim and shall proceed in the normal course. After screening, if the court determines that Plaintiff's Complaint states a claim, the court will issue a written Order and will then instruct the Clerk of the Court to send Plaintiff the documents necessary to effect service.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, January 6, 2009.



/S/ Barry M. Kurren
Barry M. Kurren
United States Magistrate Judge

Robert Dennis Wells v. Butte County Jail, et al., CV. NO. 08-00514 MJS-BMK; ORDER GRANTING APPLICATION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* AND DIRECTING COLLECTION OF FILING FEE.