

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

CHRISTIAN T. QUINTERO,)	CIVIL NO. 08-00571 MJS-BMK
)	
Plaintiff,)	
)	ORDER GRANTING
vs.)	APPLICATION FOR LEAVE TO
)	PROCEED <i>IN FORMA PAUPERIS</i>
J. S. STEWART,)	AND DIRECTING COLLECTION
)	OF FILING FEE
Defendant.)	
_____)	

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

Plaintiff is a state prisoner 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 sufficient funds are available, as here, the court assesses an initial partial filing fee. An initial partial filing fee of \$20.00, is assessed. 28 U.S.C. § 1915(b)(1). Thereafter, Plaintiff is obligated to make monthly payments of twenty percent of the preceding month’s income credited to Plaintiff’s prison trust account. These payments shall

be collected and forwarded by the appropriate agency to the Clerk of the Court each time the amount in Plaintiff's account exceeds \$10.00, until the filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

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. Plaintiff is assessed an initial partial filing fee of \$20.00. Mike McDonald, Warden, at High Desert State Prison, or his designee, **shall collect from Plaintiff's prison account** the initial partial filing fee, and thereafter, monthly payments in an amount equal to twenty percent of the preceding month's income credited to Plaintiff's prison account and shall forward those payments to

the Clerk of 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 Court. THE PAYMENTS SHALL BE CLEARLY IDENTIFIED BY THE NAME AND NUMBER ASSIGNED TO THIS ACTION.

3. The Clerk of the Court is DIRECTED to serve a copy of this Order on Plaintiff and on Mike McDonald, Warden, High Desert State Prison, P.O. Box 750, Susanville, California, 96127.

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

Christian T. Quintero v. J. S. Stewart, CV. NO. 08-00571 MJS-BMK; ORDER GRANTING APPLICATION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS* AND DIRECTING COLLECTION OF FILING FEE.