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

ELIJAH RAY RICH,  
Plaintiff,

vs.

SERGEANT E. RODRIGUEZ,  
SERGEANT L. KAISER,  
C/O V. MURCHINSON,  
C/O K. BROWN, C/O M. ENOS,  
Defendants.

No . CIV 08-951RJB

ORDER

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. This proceeding was referred to this court by Local Rule 72-302 pursuant to 28 U.S.C. § 636(b)(1).

Plaintiff has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a). Accordingly, the request to proceed *in forma pauperis* will be granted.

Plaintiff is required to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. §§ 1914(a and 1915(b)(1). Plaintiff has not been assessed an initial partial filing fee. By


1 separate order, the court will direct the appropriate agency to collect the filing fee from plaintiff's  
2 trust account and forward it to the Clerk of the Court. Plaintiff will be obligated for monthly  
3 payments of twenty percent of the preceding month's income credited to plaintiff's prison trust  
4 account. These payments will be forwarded by the appropriate agency to the Clerk of the Court  
5 each time the amount in plaintiff's account exceeds \$10.00, until the filing fee is paid in full. 28  
6 U.S.C. § 1915(b)(2).

7 In accordance with the above, IT IS HEREBY ORDERED that:

- 8 1. Plaintiff's request for leave to proceed *in forma pauperis* is **GRANTED**.
- 9 2. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action.

10 Plaintiff has not been assessed an initial partial filing fee. All fees shall be collected and paid in  
11 accordance with this court's order to the Director of the California Department of Corrections  
12 and Rehabilitation filed concurrently herewith.

13 DATED this 29<sup>th</sup> day of January, 2009.

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16 ROBERT J. BRYAN  
United States District Judge