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5 **UNITED STATES DISTRICT COURT**  
6 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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8 TIMOTHY O'KEEFE,

9 Plaintiff,

10 vs.

11 ARNOLD SCHWARZENEGGER, *et al.*,

12 Defendants.  
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Case No. 2:08-cv-01421-PMP-GWF

**ORDER**

14 Plaintiff is a state prisoner without counsel seeking relief for alleged civil rights violations. *See*  
15 42 U.S.C. § 1983. He seeks leave to proceed *in forma pauperis* (#2). This proceeding was referred to  
16 this Court by Local Rule 72-302 pursuant to 28 U.S.C. § 636(b)(1).

17 Plaintiff's declaration makes the showing required by 28 U.S.C. § 1915(a)(1) and (2).

18 Pursuant to 28 U.S.C. § 1915(b)(1), Plaintiff must pay the \$350 filing fee. *See* 28 U.S.C. §  
19 1914(a). An initial partial payment is assessed pursuant to Section 1915(b)(1). After viewing  
20 Plaintiff's financial affidavit, Plaintiff's current account balance is \$255.00. Plaintiff's average six  
21 month balance is \$258.34. Plaintiff's average monthly deposits are \$150.34. Plaintiff has been  
22 assessed an initial partial filing fee of **\$51.67** for this action pursuant to 28 U.S.C. § 1915(b)(1). Upon  
23 payment of that initial partial filing fee, Plaintiff will be obligated to make monthly payments of 20  
24 percent of the preceding month's income credited to his trust account. 28 U.S.C. § 1915(b)(2). The  
25 agency having custody of Plaintiff shall forward payments from Plaintiff's account to the Clerk of the  
26 Court each time the amount in the account exceeds \$10 until the filing fee is paid. Accordingly,

27 **IT IS HEREBY ORDERED** that Plaintiff's request to proceed *in forma pauperis* (#2) is  
28 granted.

**IT IS FURTHER ORDERED** that all payments shall be collected in accordance with the notice to the Director of the California Department of Corrections and Rehabilitation filed concurrently herewith.

DATED this 10th day of February, 2009.

*George Foley Jr.*  
**GEORGE FOLEY, JR.**  
**UNITED STATES MAGISTRATE JUDGE**