

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

JAMES KELLY,

Plaintiff,

v.

DR. SOGGE; et al.,

Defendants.

No. CV 08-1823 CTB

ORDER

TO: The California Department of Corrections and Rehabilitation
1515 S Street, Sacramento, California 95814

Plaintiff Kelly ("Kelly"), a state prisoner proceeding pro se and in forma pauperis, is obligated to pay the full statutory filing fee for this action. In addition to any initial partial filing fee that has been assessed, Kelly will be obligated to make monthly payments in the amount of twenty percent of the preceding month's income credited to Kelly's inmate trust account. The agency referenced above is required to send to the Clerk of the Court the initial partial filing fee and thereafter payments from Kelly's inmate trust account each time the amount in the account exceeds \$10.00, until the statutory filing fee of \$350.00 is paid in full. See 28 U.S.C. § 1915(b)(2).

Good cause appearing therefor, IT IS HEREBY ORDERED:

1. If an initial partial filing fee has been assessed by the accompanying order granting in forma pauperis status, the director of the agency referenced above, or a designee, shall collect from Kelly's prison trust account the amount specified and forward the amount to the Clerk of the Court, such payment to be clearly identified by the name and number assigned to this action;
2. The director of the agency referenced above, or a designee, shall collect from Kelly's prison trust account the balance of the filing fee by collecting monthly payments from Kelly's inmate trust account in an amount equal to twenty

percent (20%) of the preceding month's income credited to the prisoner's inmate trust account and forwarding payments to the Clerk of the Court each time the amount in the account exceeds \$10.00 in accordance with 28 U.S.C. § 1915(b)(2), such payments to 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, a copy of the court's order granting in forma pauperis status, and a copy of Kelly's signed in forma pauperis affidavit to the address shown above; and

4. The Clerk of the Court is further directed to serve a copy of this order on the Financial Department of the court.

DATED: January 11, 2010

Carlos Bea

Hon. Carlos T. Bea
U.S. Court of Appeals for the
Ninth Circuit, sitting by
designation