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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

PAUL ANTHONY RUPE,

 Plaintiff,

 v.

M. CATE, Secretary of
Corrections, et. al.,

 Defendants.

NO. CV-08-2454-EFS (PC)

**ORDER GRANTING APPLICATION TO
PROCEED IN FORMA PAUPERIS AND
DIRECTING PAYMENT OF INMATE
FILING FEE BY CALIFORNIA
DEPARTMENT OF CORRECTIONS**

Before the Court is *pro se* state prisoner Plaintiff Paul Anthony Rupe’s Application to Proceed In Forma Pauperis (Ct. Rec. 9), filed November 14, 2008. Plaintiff asserts that he is unable to pay the full \$350.00 filing fee or provide the necessary security.

After review, **IT IS HEREBY ORDERED:**

1. Plaintiff’s Application to Proceed In Forma Pauperis (**Ct. Rec. 9**) is **GRANTED**. Despite being granted in forma pauperis status, Plaintiff is still obligated to pay the entire \$350.00 filing fee. 28 U.S.C. § 1915(b)(1).

1 2. The Court assesses an initial partial filing fee of **\$9.03**. This
2 amount represents twenty (20) percent of the greater of (A) the average
3 monthly deposits to the prisoner's account (\$45.00); or (B) the average
4 monthly balance in the prisoner's account for the 6-month period
5 immediately preceding the filing of his complaint (\$45.15). See *id.*

6 3. The Director of the California Department of Corrections or his
7 designee (hereinafter collectively referred to as "Director") shall
8 collect and forward the \$9.03 initial partial filing fee to the Clerk of
9 the Court.

10 4. The Director shall also collect payments from Plaintiff's prison
11 trust account in an amount equal to twenty (20) percent of the preceding
12 month's income credited to the prisoner's trust account and shall forward
13 those payments to the Clerk of the Court each time the account amount
14 exceeds \$10.00 until the \$350.00 filing fee is paid in full. See 28
15 U.S.C. § 1915(b)(2). The payments shall clearly identify the prisoner's
16 name and cause number assigned to this action.

17 5. The Clerk of the Court is directed to serve a copy of this Order
18 and a copy of Plaintiff's Application to Proceed In Forma Pauperis on the
19 Director at the following address: 1515 S Street, Sacramento, California
20 95814.

21 6. The Clerk of the Court is directed to serve a copy of this Order
22 on the Financial Department, U.S. District Court, Eastern District of
23 California, Sacramento Division.

24 7. Plaintiff's custodian should notify the Court in the event
25 Plaintiff is released from incarceration.

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IT IS SO ORDERED. The District Court Executive is directed to enter this Order and forward a copy to Plaintiff.

DATED this 13th day of January 2009.

S/ Edward F. Shea
EDWARD F. SHEA
United States District Judge

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