

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

9 KYLE AVERY, ) Case No. 2:08-cv-02873-MSB  
10 Plaintiff, )  
11 vs. )  
12 NANGALAMA, MENON, and K. )  
ADAMS, )  
13 Defendants. )  
14 \_\_\_\_\_ )  
ORDER DIRECTING PAYMENT  
OF INMATE FILING FEE BY  
CALIFORNIA DEPARTMENT OF  
CORRECTIONS

15 Plaintiff Kyle Avery is a prisoner proceeding pro se pursuant to 42 U.S.C. § 1983 and has  
16 been granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Pursuant to 28  
17 U.S.C. § 1915(b)(1), Avery is obligated to pay the statutory filing fee of \$350.00 for this  
18 action. An initial partial filing fee will not be assessed, as Avery's average monthly deposit  
19 is \$0.00. Avery is required to make monthly payments in the amount of twenty percent of the  
20 preceding month's income credited to his trust account. 28 U.S.C. § 1915(b)(2). The California  
21 Department of Corrections is obligated to send to the Clerk of the Court payments from Avery's  
22 account each time the amount in the account exceeds \$10.00, until the statutory filing fee is paid in  
23 full. *Id.*

24 | Accordingly,

25       **IT IS HEREBY ORDERED** directing the Director of the California Department of  
26 Corrections or his designee shall collect payments from Plaintiff's prison trust account in an amount  
27 equal to twenty per cent (20%) of the preceding month's income credited to Plaintiff's trust account

1 and shall forward those payments to the Clerk of the Court each time the amount in the account  
2 exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2), until a total of \$350.00 has been  
3 collected and forwarded to the Clerk of the Court. The payments must be clearly identified by the  
4 name and number assigned to this action.

5       **IT IS FURTHER ORDERED** directing the Clerk of the Court to serve a copy of this order  
6 and a copy of Plaintiff's *in forma pauperis* application on the Director of the California Department  
7 of Corrections, via the court's electronic case filing system (CM/ECF).

8       **IT IS FURTHER ORDERED** directing the Clerk of the Court to serve a copy of this order  
9 on the financial department of the court.

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11       DATED this 9th day of April, 2010.

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/s/ Marsha S. Berzon

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MARSHA S. BERZON

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United States Circuit Judge, sitting by designation

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