

1
2
3
4
5
6
7
8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
10

11 MOODY W. TANKSLEY,

No. CIV S-08-2881-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 CDC-SALINAS, et al.,

15 Defendants.
16 _____/

17 Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant
18 to 42 U.S.C. § 1983. Pending before the court is plaintiff's request for leave to proceed in forma
19 pauperis (Doc. 14). Plaintiff's complaint will be addressed separately.

20 Plaintiff has submitted a declaration that makes the showing required by 28
21 U.S.C. § 1915(a). While plaintiff has not submitted a certified copy of his prison trust account as
22 required by 28 U.S.C. § 1915(a)(2), he has provided declaration(s) indicating that he has
23 requested such a statement from prison officials but that none has been provided to him.
24 Specifically, plaintiff states that prison officials refuse to provide him the necessary paperwork
25 "due to revenge to my filing civil suite [sic]." It thus appears that plaintiff's inability to submit a
26 complete in forma pauperis application is no fault of his own, but is due to the inaction of prison

1 officials. Because plaintiff has otherwise demonstrated by affidavit that he is indigent and
2 entitled to in forma pauperis status, the court will conditionally grant his applications subject to
3 later submission of a certified copy of his prison trust account statement. By separate order the
4 court will direct prison officials to submit a certified copy of plaintiff's trust account statement.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. Plaintiff's motion for leave to proceed in forma pauperis (Doc. 14) is
7 granted;
- 8 2. Plaintiff is required to pay the full statutory filing fee of \$350.00 for this
9 action pursuant to 28 U.S.C. §§ 1914(a) and 1915(b)(1);
- 10 3. No initial partial filing fee will be assessed pursuant to 28 U.S.C.
11 § 1915(b)(1); and
- 12 4. Plaintiff will be obligated for monthly payments of twenty percent of the
13 preceding month's income credited to plaintiff's inmate trust account, such payments to be
14 forwarded by the appropriate agency to the Clerk of the Court each time the amount in plaintiff's
15 account exceeds \$10.00, until the statutory filing fee is paid in full, pursuant to 28 U.S.C.
16 § 1915(b)(2).

17
18 DATED: January 20, 2009

19 
20 **CRAIG M. KELLISON**
21 UNITED STATES MAGISTRATE JUDGE
22
23
24
25
26