

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

BRADLEY VAN DYKE,

Plaintiff,

v.

D.K. SISTO, et al.,

Defendants.

NO. CV-08-3120-JLQ

**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 Bradley Van Dyke’s Application to Proceed In Forma Pauperis (Ct. Rec. 6), filed January 13, 2009. 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. 2) 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).

2. The court assesses an initial partial filing fee of **\$39.96**. This amount represents twenty (20) percent of the greater of (A) the average monthly deposits to the prisoner’s account (\$85.81); or (B) the average monthly balance in the prisoner’s account for the 6-month period immediately preceding the filing of his complaint (\$199.78). *See id.*

3. The Director of the California Department of Corrections or his designee (hereinafter collectively referred to as “Director”) shall collect and forward the \$39.96 initial partial filing fee to the Clerk of the Court.

4. The Director shall also collect payments from Plaintiff’s prison trust account in an amount equal to twenty (20) percent of the preceding month’s income credited to the

1 prisoner's trust account and shall forward those payments to the Clerk of the Court each time  
2 the account amount exceeds \$10.00 until the \$350.00 filing fee is paid in full. *See* 28 U.S.C.  
3 § 1915(b)(2). The payments shall clearly identify the prisoner's name and cause number  
4 assigned to this action.

5 5. The Clerk of the Court is directed to serve a copy of this Order and a copy of  
6 Plaintiff's Application to Proceed In Forma Pauperis on the Director at the following address:  
7 1515 S Street, Sacramento, California 95814.

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

10 7. Plaintiff's custodian should notify the court in the event Plaintiff is released from  
11 incarceration.

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

14 Dated this 7<sup>th</sup> day of August, 2009.

15 s/ Justin L. Quackenbush  
16 JUSTIN L. QUACKENBUSH  
17 SENIOR UNITED STATES DISTRICT JUDGE  
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