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

WALTER LEE COLE,

Plaintiff,

No. CIV S-09-0053 EFB P

vs.

D.K. SISTO, et al.,

Defendants.

ORDER

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Plaintiff is a state prisoner proceeding without counsel and *in forma pauperis* in an action brought under 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 72-302 pursuant to 28 U.S.C. § 636(b)(1). Pursuant to 28 U.S.C. § 1915(b)(1), plaintiff must pay the \$350 filing fee required by 28 U.S.C. § 1914(a). No initial payment has been assessed. However, plaintiff must make monthly payments of 20 percent of the preceding month's income credited to his trust account. 28 U.S.C. § 1915(b)(2). The agency having custody of plaintiff is required to forward payments from plaintiff's account to the Clerk of the Court each time the amount in the account exceeds \$10 until the filing fee is paid.

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1           The Clerk of the Court shall serve a copy of this order and a copy of plaintiff's *in forma*  
2 *pauperis* application upon the Director of the California Department of Corrections and  
3 Rehabilitation and deliver a copy of this order to the Clerk's financial division.

4           So ordered.

5 Dated: September 3, 2009.

  
6 EDMUND F. BRENNAN  
7 UNITED STATES MAGISTRATE JUDGE  
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