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

FRED WAYNE GILBERT,
Plaintiff,

No. CIV S-09-0209-CMK-P

vs.

ORDER

SUSAN HERBERT, et al.,
Defendants.

_____ /

Plaintiff, a state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff’s request for leave to proceed in forma pauperis (Doc. 5). Plaintiff’s complaint will be addressed separately.

Plaintiff has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a). The request to proceed in forma pauperis will, therefore, be granted.

Accordingly, IT IS HEREBY ORDERED that:

1. Plaintiff’s motion for leave to proceed in forma pauperis (Doc. 5) is granted;
2. Plaintiff is required to pay the full statutory filing fee of \$350.00 for this action pursuant to 28 U.S.C. §§ 1914(a) and 1915(b)(1);

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3. No initial partial filing fee will be assessed pursuant to 28 U.S.C.

§ 1915(b)(1); and

4. Plaintiff will be obligated for monthly payments of twenty percent of the preceding month's income credited to plaintiff's inmate trust account, such payments to be forwarded by the appropriate agency to the Clerk of the Court each time the amount in plaintiff's account exceeds \$10.00, until the statutory filing fee is paid in full, pursuant to 28 U.S.C.

§ 1915(b)(2).

DATED: February 5, 2009



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE