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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 LLEWELYN L. GABALIS,

No. CIV S-09-0253-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 R. PLAINER, 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. 2). 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). The request to proceed in forma pauperis will, therefore, be granted.

22 Accordingly, IT IS HEREBY ORDERED that:

23 1. Plaintiff's motion for leave to proceed in forma pauperis (Doc. 2) is
24 granted;

25 2. Plaintiff is required to pay the full statutory filing fee of \$350.00 for this
26 action pursuant to 28 U.S.C. §§ 1914(a) and 1915(b)(1);

1 3. No initial partial filing fee will be assessed pursuant to 28 U.S.C.
2 § 1915(b)(1); and

3 4. Plaintiff will be obligated for monthly payments of twenty percent of the
4 preceding month's income credited to plaintiff's inmate trust account, such payments to be
5 forwarded by the appropriate agency to the Clerk of the Court each time the amount in plaintiff's
6 account exceeds \$10.00, until the statutory filing fee is paid in full, pursuant to 28 U.S.C.
7 § 1915(b)(2).

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9 DATED: February 5, 2009

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11 **CRAIG M. KELLISON**
12 UNITED STATES MAGISTRATE JUDGE
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