

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

BYRON CARTER,

Plaintiff,

No. CIV S-09-0437 EFB P

vs.

JAMES WALKER, et al.,

Defendants.

ORDER

_____ /

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.

///
///
///

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 8, 2009.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26