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8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
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11	RUSTY LUGO, No. CIV S-09-0505-MCE-CMK-P
12	Plaintiff,
13	vs. <u>ORDER</u>
14	WILLIAMS, 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. <sup>1</sup> Pending before the court is plaintiff's request for leave to proceed in forma
19	pauperis (Docs. 2 and 12). 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.
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25	<sup>1</sup> Plaintiff raised the same claims in a prior action CIV S 07 1124 MCE JEM
26	<sup>1</sup> Plaintiff raised the same claims in a prior action – CIV-S-07-1134-MCE-JFM – which was dismissed without prejudice for failure to resolve fees.
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1	Accordingly, IT IS HEREBY ORDERED that:
2	1. Plaintiff's motion for leave to proceed in forma pauperis (Docs. 2 and 12)
3	is granted;
4	2. Plaintiff is required to pay the full statutory filing fee of \$350.00 for this
5	action pursuant to 28 U.S.C. §§ 1914(a) and 1915(b)(1);
6	3. No initial partial filing fee will be assessed pursuant to 28 U.S.C.
7	§ 1915(b)(1); and
8	4. Plaintiff will be obligated for monthly payments of twenty percent of the
9	preceding month's income credited to plaintiff's inmate trust account, such payments to be
10	forwarded by the appropriate agency to the Clerk of the Court each time the amount in plaintiff's
11	account exceeds \$10.00, until the statutory filing fee is paid in full, pursuant to 28 U.S.C.
12	§ 1915(b)(2).
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14	DATED: April 1, 2009
15	-raig m. Kellison
16	UNITED STATES MAGISTRATE JUDGE
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