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

TONY ASBERRY,

Plaintiff,

No. 2:09-cv-01494 MCE KJN P

vs.

MATHEW CATE, et al.,

Defendants.

ORDER FOR PAYMENT

OF INMATE FILING FEE

_____/ To: Director of the California Department of Corrections and Rehabilitation, 1515 S Street,
Sacramento, California 95814:

Plaintiff, a state prisoner proceeding without counsel and in forma pauperis, is obligated to pay the statutory filing fee of \$350.00 for this action. Plaintiff is assessed an initial partial filing fee of 20 percent of the greater of: (a) the average monthly deposits to plaintiff's trust account; or (b) the average monthly balance in plaintiff's account for the 6-month period immediately preceding the filing of this action. 28 U.S.C. § 1915(b)(1). Upon payment of that initial partial filing fee, plaintiff will be obligated to make monthly payments in the amount of twenty percent of the preceding month's income credited to plaintiff's trust account. The California Department of Corrections and Rehabilitation is required to send to the Clerk of the Court the initial partial filing fee and thereafter payments from plaintiff's prison trust account

1 each time the amount in the account exceeds \$10.00, until the statutory filing fee of \$350.00 is
2 paid in full. 28 U.S.C. § 1915(b)(2).

3 Good cause appearing therefore, IT IS HEREBY ORDERED that:


4 1. The Director of the California Department of Corrections and Rehabilitation or
5 a designee shall collect from plaintiff's prison trust account an initial partial filing fee in
6 accordance with the provisions of 28 U.S.C. § 1915(b)(1) as set forth in this order and shall
7 forward the amount to the Clerk of the Court. The payment shall be clearly identified by the
8 name and number assigned to this action.

9 2. Thereafter, the Director of the California Department of Corrections and
10 Rehabilitation or a designee shall collect from plaintiff's prison trust account monthly payments
11 from plaintiff's prison trust account in an amount equal to twenty percent (20%) of the preceding
12 month's income credited to the prisoner's trust account and forward payments to the Clerk of the
13 Court each time the amount in the account exceeds \$10.00 in accordance with 28 U.S.C.
14 § 1915(b)(2), until the \$350.00 filing fee for this action has been paid in full. The payments shall
15 be clearly identified by the name and number assigned to this action.

16 3. The Clerk of the Court is directed to serve a copy of this order and a copy of
17 plaintiff's signed in forma pauperis affidavit on Director, California Department of Corrections
18 and Rehabilitation, 1515 S Street, Sacramento, California 95814.

19 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
20 Department of the court.

21 DATED: December 27, 2010

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24 KENDALL J. NEWMAN
25 UNITED STATES MAGISTRATE JUDGE

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