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

10 KENNETH A. SMITH,

11 Plaintiff,

No. CIV S-09-3108 EFB P

12 vs.

13 D.V.I. RECEPTIONAL CENTER
14 PROCESSING STAFF,

15 Defendant.

ORDER

16 Plaintiff is a state prisoner proceeding without counsel and in forma pauperis in an action
17 brought under 42 U.S.C. § 1983.

18 Pursuant to 28 U.S.C. § 1915(b)(1), plaintiff must pay the \$350 filing fee required by 28
19 U.S.C. § 1914(a). Plaintiff is assessed an initial partial filing fee of 20 percent of the greater of
20 (a) the average monthly deposits to plaintiff's trust account; or (b) the average monthly balance
21 in plaintiff's account for the six-month period immediately preceding the filing of the complaint.
22 28 U.S.C. § 1915(b)(1). Thereafter, plaintiff must make monthly payments of 20 percent of the
23 preceding month's income credited to his trust account. 28 U.S.C. § 1915(b)(2).

24 The agency having custody of plaintiff is required to forward to the Clerk of the Court
25 the initial partial filing fee, if funds exist, as well as payments from plaintiff's account each time
26 the amount in the account exceeds \$10, until the filing fee is paid. *Id.*

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: January 4, 2011.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE