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8	IN THE UNITED STATES DISTRICT COURT
9	FOR THE EASTERN DISTRICT OF CALIFORNIA
10	DONALD DEGNER,
11	Plaintiff, No. CIV S-10-1673 EFB P
12	VS.
13	ATHANASSIOUS,
14	Defendants. <u>ORDER</u>
15	/
16	Plaintiff is a state prisoner proceeding without counsel and in forma pauperis in an action
17	brought under 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302
18	pursuant to 28 U.S.C. § 636(b)(1).
19	Pursuant to 28 U.S.C. § 1915(b)(1), plaintiff must pay the \$350 filing fee required by 28
20	U.S.C. § 1914(a). Plaintiff is assessed an initial partial filing fee of 20 percent of the greater of
21	(a) the average monthly deposits to plaintiff's trust account; or (b) the average monthly balance
22	in plaintiff's account for the six-month period immediately preceding the filing of the complaint.
23	28 U.S.C. § 1915(b)(1). Thereafter, plaintiff must make monthly payments of 20 percent of the
24	preceding month's income credited to his trust account. 28 U.S.C. § 1915(b)(2).
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1	The agency having custody of plaintiff is required to forward to the Clerk of the Court
2	the initial partial filing fee, if funds exist, as well as payments from plaintiff's account each time
3	the amount in the account exceeds \$10, until the filing fee is paid. Id.
4	The Clerk of the Court shall serve a copy of this order and a copy of plaintiff's in forma
5	pauperis application upon the Director of the California Department of Corrections and
6	Rehabilitation and deliver a copy of this order to the Clerk's financial division.
7	So ordered.
8	Dated: October 7, 2010.
9	EDMUND F. BRENNAN UNITED STATES MAGISTRATE JUDGE
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