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

BART LYONS,

Plaintiff,

No. 2:11-cv-0268 KJN P

vs.

FOLSOM MERCY HOSPITAL, et al.,

Defendants.

ORDER

_____ /

Plaintiff requests that the court waive the requirement that he pay the full filing fee in this action, due to plaintiff’s minimal resources and his other financial obligations. Plaintiff was granted in forma pauperis status in this action on February 14, 2011 (Dkt. No. 8); the order requiring monthly payments toward full payment of the statutory filing fee was initially directed to the Yolo County Sheriff (Dkt. No. 9), then, after plaintiff’s transfer, to the California Department of Corrections and Rehabilitation (“CDCR”) (Dkt. No. 15). That order requires that CDCR make monthly payments from plaintiff’s prison trust account, in the amount of twenty percent of the preceding month’s income credited to the account, each time the account exceeds \$10.00, until the statutory filing fee of \$350.00 is paid in full.

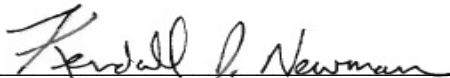
There is no authority for granting plaintiff’s request. The in forma pauperis statute mandates that a prisoner granted in forma pauperis status “shall be required to pay the full

1 amount of the filing fee.” 28 U.S.C. § 1915(b)(1). The statute also establishes the calculation of
2 monthly payments as set forth above. Id., § 1915(b)(2). Therefore, plaintiff’s request must be
3 denied.

4 Finally, the court notes that the problems identified in plaintiff’s prior filing (Dkt.
5 No. 17, filed August 26, 2011), regarding the failure to obtain his legal materials, have now been
6 resolved (see Dkt. No. 18, filed August 30, 2011).

7 Accordingly, for the foregoing reasons, IT IS HEREBY ORDERED that
8 plaintiff’s request for waiver of the full filing fee in this action (Dkt. No. 18) is DENIED.

9 DATED: September 2, 2011

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12 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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