

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA

10 BILLY DRIVER,

11 Plaintiff,

No. 2:11-cv-2397 EFB P

12 vs.

13 J. CLARK KELSO, et al.,

14 Defendants.

ORDER

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).

25 ///

26 ///

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: August 9, 2012.

9 
EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE