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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GUSTAVO ALVAREZ,
Plaintiff,
v.
STATE OF CALIFORNIA, et al.,
Defendants.

No. 2:14-cv-01181-KJM-EFB

ORDER

Plaintiff, a prisoner proceeding *pro se*, asks this court to discontinue court-ordered filing fee payments still owing from a civil rights case he initiated in 2015. Request, ECF No. 37; ECF No. 27 (judgment entered against plaintiff in Sept. 2016). As explained below, the court DENIES this request. The Inmate Statement Report (“Statement”) plaintiff attached to his request shows that both court-ordered payments plaintiff takes issue with complied with the court’s Payment Order, ECF No. 10.

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1 I. DISCUSSION

2 In May 2015, soon after plaintiff filed this action, the court ordered that payments
3 be deducted from plaintiff's prison account and credited towards his \$350.00 filing fee. *See*
4 Payment Order. Specifically, the court ordered the "agency having custody of plaintiff" to deduct
5 from plaintiff's prison trust account "monthly payments of 20 percent of the preceding month's
6 income credited . . . each time the amount in the account exceeds \$10, until the filing fee is paid."
7 *Id.* at 1-2. Plaintiff now requests "a court order removing file [sic] fee obligations[.]" Request
8 at 1. He contends his balance has dropped below the \$10.00 limit, yet "the prison refuses to
9 remove [the fees] without a court order[.]" *Id.*

10 Plaintiff attached to his request a one-page copy of his Statement. *Id.* at 2. The
11 Statement shows plaintiff's account has twice dropped below \$10.00: It dropped to \$3.11 on
12 January 1, 2018, and to \$8.74 on January 4, 2018. *Id.* at 2. The Statement also reflects two court-
13 ordered deductions: A \$5.88 deduction on January 4, 2018, and a \$5.50 deduction on February 5,
14 2018, both labeled "DIRECT ORDER PAYMENT." *Id.* On both dates, the deduction was taken
15 while plaintiff's balance still exceeded \$10.00: His balance was \$15.20 when the January 4
16 deduction was taken; his balance was \$19.74 when the February 5 deduction was taken. *Id.* That
17 a deduction may, as the January 4 deduction here, bring his balance below \$10.00 does not violate
18 the court's Payment Order, as plaintiff's account need only have exceeded \$10.00 when the
19 deduction was taken. *See* Payment Order at 10 ("The [prison] is required to forward to the Clerk
20 of the Court . . . payments from plaintiff's account each time the amount in the account exceeds
21 \$10, until the filing fee is paid."). His account exceeded \$10.00 at all relevant times.

22 II. CONCLUSION

23 The court-ordered deductions reflected in plaintiff's attached Statement comply
24 with the court's Payment Order. Accordingly, plaintiff's request is DENIED.

25 IT IS SO ORDERED.

26 This resolves ECF No. 37.

27 DATED: March 21, 2018.

28 
UNITED STATES DISTRICT JUDGE