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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 JABBARI McELROY,

No. 2:15-cv-2271-EFB P

12 Plaintiff,

13 v.

ORDER

14 CDC, et al.,

15 Defendants.
16

17 Plaintiff is a state prisoner proceeding without counsel in an action brought under 42
18 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28
19 U.S.C. § 636(b)(1).

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

26 The agency having custody of plaintiff is required to forward to the Clerk of the Court the
27 initial partial filing fee, if funds exist, as well as payments from plaintiff's account each time the
28 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: February 6, 2017.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE