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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BRYAN PATTERSON,
Plaintiff,
v.
THE CITY OF VALLEJO CALIFORNIA,
et al.,
Defendants.

No. 2:16-cv-0595 GEB CKD P

ORDER

Plaintiff is a state prisoner proceeding pro se and seeking relief pursuant to 42 U.S.C. § 1983. On May 17, 2016, the undersigned recommended that this action be dismissed due to plaintiff's failure to file a complete application to proceed in forma pauperis. (ECF No. 7.)

On June 7, 2016, plaintiff filed a completed application to proceed in forma pauperis. (ECF No. 8.) Accordingly, the court will vacate its earlier findings and recommendation that this action be dismissed. This action will proceed on the complaint filed March 22, 2016, subject to screening. See 28 U.S.C. § 1915A(a).

Since plaintiff has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a), his request will be granted. Plaintiff is required to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. §§ 1914(a), 1915(b)(1). By separate order, the court will direct the appropriate agency to collect the initial partial filing fee from plaintiff's trust account and forward

1 it to the Clerk of the Court. Thereafter, plaintiff will be obligated for monthly payments of
2 twenty percent of the preceding month's income credited to plaintiff's prison trust account.
3 These payments will be forwarded by the appropriate agency to the Clerk of the Court each time
4 the amount in plaintiff's account exceeds \$10.00, until the filing fee is paid in full. 28 U.S.C. §
5 1915(b)(2).

6 In accordance with the above, IT IS HEREBY ORDERED that:

- 7 1. The May 17, 2016 findings and recommendations are hereby vacated;
- 8 2. Plaintiff's request for leave to proceed in forma pauperis (ECF No. 8) is granted; and
- 9 3. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. All fees
10 shall be collected and paid in accordance with this court's order to the Director of the California
11 Department of Corrections and Rehabilitation filed concurrently herewith.

12 Dated: June 28, 2016

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15 CAROLYN K. DELANEY
16 UNITED STATES MAGISTRATE JUDGE

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