

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

KERRY LATHAN,

No. 2:16-CV-0757-TLN-CMK-P

Plaintiff,

vs.

ORDER

CALIFORNIA DEPT. OF  
CORRECTIONS, et al.,

Defendants.

\_\_\_\_\_ /

Plaintiff, a prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983.

Plaintiff requests leave to proceed in forma pauperis and has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a). The request to proceed in forma pauperis will, therefore, be granted.

///  
///  
///  
///

1 To: The California Department of Corrections and Rehabilitation  
2 1515 S Street, Sacramento, California 95814:

3 Plaintiff is obligated to pay the full statutory filing fee of \$350.00 for this action.  
4 In addition to any initial partial filing fee required to be assessed, plaintiff will be obligated to  
5 make monthly payments in the amount of twenty percent of the preceding month's income  
6 credited to plaintiff's inmate trust account. The agency referenced above is required to send to  
7 the Clerk of the Court the initial partial filing fee and thereafter payments from plaintiff's inmate  
8 trust account each time the amount in the account exceeds \$10.00, until the statutory filing fee of  
9 \$350.00 is paid in full. See 28 U.S.C. § 1915(b)(2).

10 Accordingly, IT IS HEREBY ORDERED that:

11 1. Plaintiff's motion for leave to proceed in forma pauperis (Doc. 2) is  
12 granted;

13 2. Plaintiff is required to pay the full statutory filing fee of \$350.00 for this  
14 action pursuant to 28 U.S.C. §§ 1914(a) and 1915(b)(1);

15 3. The director of the agency referenced above, or a designee, shall collect  
16 from plaintiff's inmate trust account an initial partial filing fee in accordance with the provisions  
17 of 28 U.S.C. § 1915(b)(1) and shall forward the amount to the Clerk of the Court, such payment  
18 to be clearly identified by the name and number assigned to this action;

19 4. Thereafter, the director of the agency referenced above, or a designee, shall  
20 collect from plaintiff's inmate trust account the balance of the filing fee by collecting monthly  
21 payments from plaintiff's inmate trust account in an amount equal to twenty percent (20%) of the  
22 preceding month's income credited to plaintiff's inmate trust account and forwarding payments to  
23 the Clerk of the Court each time the amount in the account exceeds \$10.00 in accordance with 28  
24 U.S.C. § 1915(b)(2), until the \$350.00 filing fee for this action has been paid in full, such  
25 payments to be clearly identified by the name and number assigned to this action;

26 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

5. The Clerk of the Court is directed to serve a copy of this order and a copy of plaintiff's signed in forma pauperis affidavit to the address shown above; and

6. The Clerk of the Court is further directed to serve a copy of this order on the Financial Department of the court.

DATED: June 14, 2016

  
\_\_\_\_\_  
**CRAIG M. KELLISON**  
UNITED STATES MAGISTRATE JUDGE