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

GEORGE WALLACE,
Plaintiff,

No. 2:17-cv-0428-CMK-P

vs.

ORDER

JESSIE MORRIS,
Defendant.

_____ /

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.

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

Plaintiff is obligated to pay the full statutory filing fee of \$350.00 for this action. In addition to any initial partial filing fee required to be assessed, plaintiff will be obligated to make monthly payments in the amount of twenty percent of the preceding month's income credited to plaintiff's inmate trust account. The agency referenced above is required to send to

1 the Clerk of the Court the initial partial filing fee and thereafter payments from plaintiff's inmate
2 trust account each time the amount in the account exceeds \$10.00, until the statutory filing fee of
3 \$350.00 is paid in full. See 28 U.S.C. § 1915(b)(2).

4 Plaintiff has also filed a motion for leave to amend (Doc. 9), together with a
5 proposed amended complaint (Doc. 10). Pursuant to Federal Rule of Civil Procedure 15(a)(1), a
6 party may amend his pleading once as a matter of right at any time before being served with a
7 responsive pleading. A review of the docket reflects that no responsive pleading has been served.
8 Therefore, plaintiff's motion is unnecessary. This action shall now proceed on the amended
9 complaint, which supercedes the prior complaint. The amended complaint will be addressed by
10 separate order.

11 Accordingly, IT IS HEREBY ORDERED that:

12 1. Plaintiff's motions for leave to proceed in forma pauperis (Docs. 2, 11, 12)
13 are granted;

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

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

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

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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;

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

7. Plaintiff's motion to amend (Doc. 9) is denied as unnecessary.

DATED: January 12, 2018



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE