## 1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 ROBERT DAVIS, No. 2:17-cv-0924 GEB KJN P 12 Plaintiff. 13 ORDER FOR PAYMENT OF INMATE v. 14 THE OFFICE OF THE PUBLIC DEFENDER, et al., 15 Defendants. 16 17 18 To: Director of the California Department of Corrections and Rehabilitation, 1515 S Street, 19 Sacramento, California 95814: 20 Plaintiff, a state prisoner proceeding in forma pauperis, is obligated to pay the statutory 21 filing fee of \$350.00 for this action. Plaintiff is assessed an initial partial filing fee of 20 percent 22 of the greater of: (a) the average monthly deposits to plaintiff's trust account; or (b) the average monthly balance in plaintiff's account for the 6-month period immediately preceding the filing of 23 24 this action. 28 U.S.C. § 1915(b)(1). Upon payment of that initial partial filing fee, plaintiff will 25 be obligated to make monthly payments in the amount of twenty percent of the preceding month's 26 income credited to plaintiff's trust account. The California Department of Corrections and

Rehabilitation is required to send to the Clerk of the Court the initial partial filing fee and

thereafter payments from plaintiff's prison trust account each time the amount in the account

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exceeds \$10.00, until the statutory filing fee of \$350.00 is paid in full. 28 U.S.C. § 1915(b)(2).

Good cause appearing therefore, IT IS HEREBY ORDERED that:

- 1. The Findings and Recommendations (ECF No. 8) are hereby vacated.
- 2. The Director of the California Department of Corrections and Rehabilitation or a designee shall collect from plaintiff's prison trust account an initial partial filing fee in accordance with the provisions of 28 U.S.C. § 1915(b)(1) as set forth in this order and shall forward the amount to the Clerk of the Court. The payment shall be clearly identified by the name and number assigned to this action.
- 3. Thereafter, the Director of the California Department of Corrections and Rehabilitation or a designee shall collect from plaintiff's prison trust account monthly payments in an amount equal to twenty percent (20%) of the preceding month's income credited to the prisoner's trust account and forward payments to the Clerk of the Court each time the amount in the account exceeds \$10.00 in accordance with 28 U.S.C. § 1915(b)(2), until the \$350.00 filing fee for this action has been paid in full. The payments shall be clearly identified by the name and number assigned to this action.
- 4. 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 on the Director, California Department of Corrections and Rehabilitation, 1515 S Street, Sacramento, California 95814.
- 5. The Clerk of the Court is directed to serve a copy of this order on the Financial Department of the court.

Dated: July 12, 2017

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UNITED STATES MAGISTRATE JUDGE