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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 RICHARD ANTHONY EVANS,

12 Plaintiff,

13 v.

14 CDCR,

15 Defendants.
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No. 2:17-cv-1890 WBS DB P

ORDER

17 Plaintiff is a state prisoner who was proceeding pro se and in forma pauperis with a civil
18 rights action. On April 26, 2018, this case was closed for plaintiff's failure to prosecute. (See
19 ECF Nos. 14,15.) Plaintiff's motion to re-open the case was denied on August 7, 2019. (See
20 ECF No. 21.)

21 On July 10, 2020, plaintiff filed a document in which he challenges this court's orders
22 granting plaintiff in forma pauperis status, notifying plaintiff that he was obligated to pay the
23 \$350 filing fee, and requiring CDCR to send payments to the court from plaintiff's prison trust
24 account each time the amount in the account exceeds \$10.00, until the statutory filing fee of
25 \$350.00 is paid in full. (See Orders filed Sept. 29, 2018 (ECF Nos. 9, 10).) Plaintiff contends
26 that CDCR has changed its indigent minimum threshold to \$25.00. Therefore, plaintiff questions
27 whether this court may legally continue to take payments from plaintiff's trust account each time

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1 that account exceeds \$10.00. He asks this court to stay payments from his trust account pending
2 an investigation.

3 Plaintiff is advised that CDCR is required by statute to make payments from plaintiff's
4 account when it exceeds \$10.00. Pursuant to 28 U.S.C. § 1915(b)(2):

5 After payment of the initial partial filing fee, the prisoner shall be
6 required to make monthly payments of 20 percent of the preceding
7 month's income credited to the prisoner's account. The agency
8 having custody of the prisoner shall forward payments from the
9 prisoner's account to the clerk of the court each time the amount in
10 the account exceeds \$10 until the filing fees are paid.

11 Accordingly, this court's order requiring payment from plaintiff's trust account was, and
12 continues to be, required by statute and a stay of the payment order is not appropriate.

13 For these reasons, plaintiff's motion to stay this court's payment order (ECF No. 26) is
14 denied.

15 Dated: November 16, 2020

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17 DEBORAH BARNES
18 UNITED STATES MAGISTRATE JUDGE
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20 DLB:9
21 DB/prisoner-civil rights/evan1890.stay or
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