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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBERT LEE TAYLOR,
Plaintiff,
v.
ERIC ARNOLD,
Defendant.

No. 2:17-cv-2014 CKD P

ORDER

Plaintiff is a state prisoner proceeding pro se and seeking relief pursuant to 42 U.S.C. § 1983. This proceeding was referred to this court by Local Rule 302 pursuant to 28 U.S.C. § 636(b)(1) and plaintiff has consented to have all matters in this action before a United States Magistrate Judge. See 28 U.S.C. § 636(c).

Plaintiff requests leave to proceed in forma pauperis. 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 it to the Clerk of the Court. Thereafter, plaintiff will be obligated for monthly payments of twenty percent of the preceding month's income credited to plaintiff's prison trust account. These payments will be forwarded by

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1 the appropriate agency to the Clerk of the Court each time the amount in plaintiff's account
2 exceeds \$10.00, until the filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

3 Plaintiff has not filed his complaint on the proper form. Rather, he has filed it on the form
4 used to petition a California court for collateral relief with respect to a criminal conviction. Good
5 cause appearing, plaintiff will be given leave to file his complaint on the proper form.

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

7 1. Plaintiff's request for leave to proceed in forma pauperis (ECF No 4) is granted.

8 2. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. All fees
9 shall be collected and paid in accordance with this court's order to the Director of the California
10 Department of Corrections and Rehabilitation filed concurrently herewith.

11 3. Plaintiff is granted thirty days from the date of service of this order to file a complaint
12 on the form to be provided by the Clerk of the Court. The complaint must comply with the
13 requirements of the Civil Rights Act, the Federal Rules of Civil Procedure, and the Local Rules of
14 Practice. The complaint must bear the docket number assigned this case. Failure to file a
15 complaint in accordance with this order will result in dismissal.

16 4. The Clerk of the Court is directed to send plaintiff a copy of the court's form-
17 complaint for actions brought by prisoners pursuant to 42 U.S.C. § 1983.

18 Dated: November 8, 2017



19 _____
20 CAROLYN K. DELANEY
21 UNITED STATES MAGISTRATE JUDGE

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