

1 2:18-cv-0670 CKD P (see id. at ECF No. 4), signed by plaintiff on April 15, 2018, and completed
2 by prison officials on April 17, 2018. Cf. id. at ECF No. 4, and instant ECF No. 16 at 9-12, 17-8.
3 Plaintiff's exhibits also include an in forma pauperis application signed by plaintiff on April 17,
4 2018, and a trust account statement completed by prison officials on April 20, 2018. See ECF
5 No. 16 at 4-7, 14-5. It does not appear that these documents were filed in any of plaintiff's cases
6 pending in this court. Accordingly, the undersigned will direct the Clerk of Court to file these in
7 documents in the instant case, and finds good cause for vacating the undersigned's findings and
8 recommendations.

9 Further, the undersigned finds that plaintiff's application and trust account statement make
10 the showing required by 28 U.S.C. § 1915(a). Plaintiff's request to proceed in forma pauperis
11 therefore will be granted.

12 Plaintiff will be required to pay the statutory filing fee of \$350.00 for this action with
13 periodic payments. See 28 U.S.C. §§ 1914(a), 1915(b)(1). By this order, plaintiff will be
14 assessed an initial partial filing fee in accordance with the provisions of 28 U.S.C. § 1915(b)(1).
15 By separate order, the court will direct the appropriate agency to collect the initial partial filing
16 fee from plaintiff's trust account and forward it to the Clerk of the Court. Thereafter, plaintiff
17 will be obligated to make monthly payments of twenty percent of the preceding month's income
18 credited to plaintiff's trust account. These payments will be forwarded by the appropriate agency
19 to the Clerk of the Court each time the amount in plaintiff's account exceeds \$10.00, until the
20 filing fee is paid in full. See 28 U.S.C. § 1915(b)(2).

21 Accordingly, IT IS HEREBY ORDERED that:

- 22 1. The findings and recommendations filed June 14, 2018, ECF No. 15, are vacated.
- 23 2. The Clerk of Court is directed to separately file and docket in the instant case
24 plaintiff's application to proceed in forma pauperis and prison trust account statement currently
25 set forth in ECF No. 16 at 4-7, 14-5.
- 26 3. Plaintiff's request to proceed in forma pauperis is granted.
- 27 4. Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. Plaintiff
28 is assessed an initial partial filing fee in accordance with the provisions of 28 U.S.C. §1915(b)(1).

1 All fees shall be collected and paid in accordance with this court's order to the Director of the
2 California Department of Corrections and Rehabilitation filed concurrently herewith.

3 5. This action shall proceed on plaintiff's First Amended Complaint, filed November 14,
4 2017 (ECF No. 8), which shall be screened in due course pursuant to 28 U.S.C. § 1915A.

5 IT IS SO ORDERED.

6 DATED: July 13, 2018

7 
8 ALLISON CLAIRE
9 UNITED STATES MAGISTRATE JUDGE
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28