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

LEON HATTEN,

No. 2:17-CV-2367-CMK-P

Plaintiff,

vs.

ORDER

ROBARGE, et al.,

Defendants.

_____ /

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.

Plaintiff also requests an extension of time to submit evidence. Because the case is not at issue, and because discovery has not been opened, there is no need to submit evidence to the court. At a later stage of the proceedings (i.e., summary judgment or trial phase), plaintiff will be provided an opportunity to submit his evidence. In the meantime, plaintiff's motion will be denied.

1 To: The California Department of Corrections and Rehabilitation
2 1515 S Street, Sacramento, California 95814:

3 Plaintiff is obligated to pay the full statutory filing fee of \$350.00 for this action.
4 In addition to any initial partial filing fee required to be assessed, plaintiff will be obligated to
5 make monthly payments in the amount of twenty percent of the preceding month's income
6 credited to plaintiff's inmate trust account. The agency referenced above is required to send to
7 the Clerk of the Court the initial partial filing fee and thereafter payments from plaintiff's inmate
8 trust account each time the amount in the account exceeds \$10.00, until the statutory filing fee of
9 \$350.00 is paid in full. See 28 U.S.C. § 1915(b)(2).

10 Accordingly, IT IS HEREBY ORDERED that:

11 1. Plaintiff's motion for leave to proceed in forma pauperis (Doc. 3) is
12 granted;

13 2. Plaintiff's motion for an extension of time (Doc. 5) is denied;

14 3. 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 4. 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 5. 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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6. 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; and

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

DATED: January 12, 2018



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE