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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GORDON DALE MEADOR,
Plaintiff,
v.
DEPARTMENT MENTAL HEALTH, et
al.,
Defendants.

No. 2:18-cv-0011 AC P

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action pursuant to 42 U.S.C. § 1983. The complaint was received by the Clerk of the Court on January 4, 2018, and was not accompanied by the filing fee or an application to proceed in forma pauperis. ECF No. 1. On January 8, 2018, the Clerk of the Court received a letter from plaintiff stating that he did not want his complaint filed because he cannot afford to pay the filing fee and asking that the complaint be returned. ECF No. 4. It is not clear whether plaintiff is asking to withdraw his complaint because he believes he must pay the full filing fee up front.

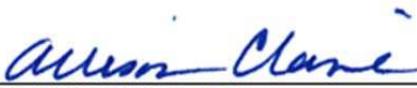
If plaintiff cannot afford to pay the entire filing fee at one time, he can apply to proceed in forma pauperis. If the request is granted, plaintiff will still be required to pay the filing fee. However, he will not have to pay the entire amount before the case can go forward. Instead, he will be assessed a partial filing fee of twenty percent of the greater of (a) the average monthly

1 deposits to his trust account; or (b) the average monthly balance in his account for the six-month
2 period immediately preceding the filing of this action. 28 U.S.C. § 1915(b)(1). Upon payment of
3 that initial partial filing fee, he will be obligated to make monthly payments in the amount of
4 twenty percent of the preceding month's income credited to his trust account. The California
5 Department of Corrections and Rehabilitation will be required to send to the Clerk of the Court
6 the initial partial filing fee and thereafter payments from plaintiff's prison trust account each time
7 the amount in the account exceeds \$10.00, until the statutory filing fee of \$350.00 is paid in full.
8 28 U.S.C. § 1915(b)(2).

9 Plaintiff will be required to notify the court whether he would like to apply to proceed in
10 forma pauperis or whether he would still like to dismiss his case. If plaintiff wants to apply to
11 proceed in forma pauperis, he must complete and return the application that was sent to him as
12 directed in the order dated January 8, 2018. See ECF No. 3. If he still wants to dismiss the case,
13 the case will be dismissed and no filing fee will be assessed.

14 Accordingly, IT IS HEREBY ORDERED that within fourteen days of service of this
15 order, plaintiff must complete and return the attached notice advising the court whether he wants
16 to apply to proceed in forma pauperis or dismiss the complaint.

17 DATED: January 10, 2018

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19 ALLISON CLAIRE
20 UNITED STATES MAGISTRATE JUDGE
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GORDON DALE MEADOR,
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v.
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PLAINTIFF'S NOTICE ON HOW TO
PROCEED

Check one:

Plaintiff wants to apply to proceed in forma pauperis and will return a completed application as directed by the order dated January 8, 2018.

Plaintiff wants to voluntarily dismiss the complaint.

DATED: _____

Gordon Dale Meador
Plaintiff pro se