

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

ELIJAH MALUHIA KANEAKUA,
#10286-022,

Plaintiff,

vs.

ESTELA DERR, *et al.*,

Defendants.

CIVIL NO. 22-00201 DKW-WRP

ORDER GRANTING APPLICATION
TO PROCEED IN FORMA
PAUPERIS BY A PRISONER

Before the Court is an Application to Proceed In Forma Pauperis by a Prisoner (“IFP Application”) filed by pro se Plaintiff Elijah Maluhia Kaneakua (“Kaneakua”). ECF No. 5. Other than earning between \$20 and \$28 from his employment at the Federal Detention Center in Honolulu, Hawaii (FDC Honolulu), Plaintiff states that he has no sources of income, savings, or assets, and he owns no property. *Id.* at 1. A prison official certified that Plaintiff has \$101.50 on account and that his average monthly balance during the last six months was \$56.41. *Id.* Based on the information currently before the Court, therefore, Plaintiff qualifies as a pauper, and his Application is GRANTED. *See* 28 U.S.C. § 1915(a)(1).

As a prisoner, Plaintiff is obligated to pay the full filing fee regardless of the outcome of this suit. *See* 28 U.S.C. § 1915(b)(1), (e)(2). Plaintiff shall pay an

initial partial filing fee of 20% of the greater of: (1) the average monthly deposits to his account; or (2) the average monthly balance in his account for the six-month period immediately preceding the filing of the Complaint. 28 U.S.C. § 1915(b)(1). Thereafter, Plaintiff shall make monthly payments equaling 20% of the preceding month's income credited to his account, when the amount in his account exceeds \$10.00, until the \$350.00 civil filing fee is paid in full. 28 U.S.C. § 1915(b)(2).

IT IS HEREBY ORDERED that:

(1) The Warden of FDC Honolulu, or the Warden's designee, shall calculate, collect, and remit to the Clerk of Court an initial partial payment equaling 20% of Plaintiff's average monthly balance or average monthly deposits to his account within the past six months, whichever is greater. Thereafter, the Warden or designee shall collect monthly payments equaling 20% of Plaintiff's preceding month's income when the account exceeds \$10.00, until the \$350.00 filing fee is paid in full. *See* 28 U.S.C. § 1915(b)(2). These payments must be identified by the name and number assigned to this action.

(2) The Clerk is directed to serve a copy of this order on Plaintiff, the FDC Honolulu Warden and Financial Office, and/or the Bureau of Prisons, and submit a copy of this order to the District of Hawaii's Financial Department.

IT IS SO ORDERED.

DATED: May 10, 2022 at Honolulu, Hawaii.



/s/ Derrick K. Watson
Derrick K. Watson
United States District Judge