

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

SAMUEL CARTER,  
#A0247045,

Plaintiff,

vs.

BANK OF HAWAII PRESIDENT, *et*  
*al.*,

Defendants.

CIVIL NO. 23-00215 DKW-KJM

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 filed by pro se Plaintiff Samuel Carter.<sup>1</sup> ECF No. 2. In his IFP Application, Plaintiff states that he is not employed as a prisoner at the Oahu Community Correctional Center. *Id.* at 1. Plaintiff also states that he has no assets other than \$875.49 in a Bank of Hawaii savings account. *Id.* A prison official certified that Plaintiff has no money on account at OCCC and that his average monthly balance during the last six months was \$1.19. *Id.* at 2. The prison official further certified that Plaintiff's average monthly deposits during the last six months

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<sup>1</sup>Carter is currently incarcerated at the Oahu Community Correctional Center. *See* VINE, <https://vinelink.vineapps.com/search/HI/Person> (select "ID Number"; enter "A0247045"; and select "Search") (last visited May 17, 2023).

totaled \$0. *Id.* Based on the information currently before the Court, therefore, Plaintiff qualifies as a pauper, and his IFP Application is GRANTED. *See* 28 U.S.C. § 1915(a)(1); *see Escobedo v. Applebees*, 787 F.3d 1226, 1234 (9th Cir. 2015) (stating that “[o]ne need not be absolutely destitute to obtain benefits of the in forma pauperis statute” (internal quotation marks and citation omitted)).

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 Hawaii Department of Public Safety or its designee the Warden of the Oahu Community Correctional Center 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, 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 SHALL serve a copy of this order on Plaintiff, the Oahu Community Correctional Center Warden and Financial Office, Laurie Nadamoto, Esq., and Shelley Nobriga Harrington, Esq., Department of Public Safety Litigation Coordinators, and submit a copy of this order to the District of Hawaii's Financial Department.

IT IS SO ORDERED.

DATED: May 19, 2023 at Honolulu, Hawai'i.



/s/ Derrick K. Watson

Derrick K. Watson  
Chief United States District Judge

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