

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

KENNETH BURKE,

Plaintiff,

v.

No. 18-cv-0261 MV/SMV

**DONA ANA COUNTY DETENTION CENTER,
ENRIQUE VIGIL, KEN MIYAGISHIMA,
KASANDRA GANDARA, GREG SMITH,
GABRIEL VASQUEZ, JACK EAKMAN, GILL SORG,
YVONNE FLOREZ, ARAMARK FOOD SERVICE,
and FNU LNU,**

Defendants.

**ORDER GRANTING LEAVE TO PROCEED
PURSUANT TO 28 U.S.C. § 1915(b)**

THIS MATTER is before the Court on the Application to Proceed in District Court Without Prepayment of Fees and Costs filed by Plaintiff Kenneth Burke on April 6, 2018 [Doc. 5]. Because the Court grants the application, the filing fee for this civil rights complaint is \$350.00. Based on the information about Plaintiff's financial status, the Court will waive an initial partial payment pursuant to § 1915(b)(1). Plaintiff is still required to pay the full amount of the filing fee pursuant to § 1915(b)(1). Failure to comply with this order may result in dismissal of the complaint without further notice.

IT IS THEREFORE ORDERED that the Application to Proceed in the District Court Without Prepayment of Fees and Costs filed by Plaintiff Kenneth Burke on April 6, 2018 [Doc. 5] is **GRANTED**, and the initial payment is **WAIVED**.

IT IS FURTHER ORDERED that Plaintiff file monthly financial certificates and make monthly payments of 20% of the preceding month's income credited to his account until the fee is paid or show cause why the payment should be excused, and the Clerk provide Plaintiff with two copies of the post-filing financial certificate.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge