

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

MANUEL TRUJILLO,

Plaintiff,

v.

No. CV 20-627 KWR/CG

CURRY COUNTY DETENTION CENTER,

Defendant.

ORDER GRANTING LEAVE TO PROCEED PURSUANT TO 28 U.S.C. § 1915(b)
AND TO MAKE PAYMENTS OR SHOW CAUSE

THIS MATTER is before the Court on Plaintiff Manuel Trujillo's *Application to Proceed in District Court without Prepaying Fees or Costs*, (the "Application"), in this civil rights action, (Doc. 4), and his *Motion to Reconsider Forma Pauperis*, (Doc. 5), both filed on July 16, 2020. Based on analysis of the Application and the inmate account statement, (Doc. 7), the Court grants Mr. Trujillo leave to proceed under 28 U.S.C. § 1915(a) and (b). Because the Court grants the Application, the filing fee for this civil rights complaint is \$350.00. Pursuant to § 1915(b)(1), Mr. Trujillo is required to make installment payments until the full amount of the filing fee is paid.

Mr. Trujillo's inmate account statement shows total deposits over the six-month period preceding filing in the amount of \$534.00 for an average monthly deposit of \$89.00. (Doc. 7 at 2-9). Therefore, analyzing his inmate account statement, (Doc. 7), under § 1915(b)(1), the Court finds that Mr. Trujillo owes an initial partial payment of \$17.80 (20% of \$89.00). If Mr. Trujillo fails to make a payment by the designated deadline or show cause why such payment should be excused, the civil rights complaint may be dismissed without further notice.

Finally, Mr. Trujillo filed his *Motion to Reconsider Forma Pauperis*, (Doc. 5), prior to any ruling by this Court regarding leave to proceed *in forma pauperis*. Because there was no ruling for the Court to reconsider at that time, the Court will deny the Motion.

IT IS THEREFORE ORDERED that Mr. Trujillo's *Application to Proceed in District Court without Prepaying Fees or Costs*, (Doc. 4), is **GRANTED**.

IT IS FURTHER ORDERED that by **March 17, 2021**, Mr. Trujillo send to the Clerk an initial partial payment of \$17.80 or show cause why payment should be excused.

IT IS FURTHER ORDERED that the Clerk is directed to provide Mr. Trujillo with two copies of this Order, and that Mr. Trujillo make the necessary arrangements to attach one copy of this Order to the check in the \$17.80 amount of the initial partial payment.

IT IS FINALLY ORDERED that, after payment of the \$17.80 initial partial fee, Mr. Trujillo make monthly payments of twenty per cent (20%) of the preceding month's income credited to his account or show cause why the designated payments should be excused.

IT IS FURTHER ORDERED that Mr. Trujillo's *Motion to Reconsider Forma Pauperis*, (Doc. 5), is **DENIED**.

IT IS SO ORDERED.



THE HONORABLE CARMEN E. GARZA
CHIEF UNITED STATES MAGISTRATE JUDGE