

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION**

**MANUEL R. RUBIO,
TDCJ No. 636767,**

Plaintiff,

v.

**F. DIAZ, Gang Intelligence Sgt.,
Dolph Briscoe Unit, and
E. KENNEDY, Senior Warden
Dolph Briscoe Unit,**

Defendants.

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CIVIL ACTION NO.

SA-08-CV-0942 NN

ORDER DENYING MOTION RE FILING FEE DEDUCTIONS

The matter before the court is plaintiff’s motion to suspend deductions from his inmate account to cover the \$350.00 filing fee for this case until his release from prison, and to allow him to make monthly installment payments on the remaining balance after his release (docket entry 36). Essentially, plaintiff is asking for modification of the Order Directing Monthly Payments entered on December 8, 2008 (docket entry 3).

Pursuant to 28 U.S.C. § 1915 a prisoner who brings a civil action in forma pauperis must pay an initial partial filing fee and thereafter pay the balance of the \$350 filing fee through monthly deductions from the prisoner's institutional trust fund account. Section § 1915(b)(1) requires this Court to direct a plaintiff's institution to deduct twenty percent (20%) of each month's income credited to plaintiff’s inmate trust account and forward payments to the Court provided the account exceeds \$10.00, until the \$350 filing fee is paid.

Therefore this Court has no authority to exempt Plaintiff. Furthermore because the

deductions apply to only 20% of his income Plaintiff is still left with funds.

Accordingly, the motion to suspend payments is DENIED.

SIGNED on July 28, 2011.

Nancy Stein Nowak

NANCY STEIN NOWAK
UNITED STATES MAGISTRATE JUDGE