

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Haapaniemi v. Warden, FCI Mendota Prison

Haapaniemi · No. 1:23-cv-00306-GSA (PC) · Decided March 2, 2023

SUMMARY

The United States District Court for the Eastern District of California grants Bjorn Erik Haapaniemi’s application to proceed in forma pauperis in his action against the Warden of FCI Mendota and others. The court directs FCI Mendota to collect and remit monthly payments toward the \$350 statutory filing fee under 28 U.S.C. § 1915 and orders service of the order and related documents.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Gary S. Austin
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 2, 2023
DOCKET	1:23-cv-00306-GSA (PC)
DISPOSITION	other
PROCEDURAL POSTURE	A federal prisoner proceeding pro se filed a civil-rights action and applied to proceed in forma pauperis. The district court ruled on the application and directed collection of the statutory filing fee from the prison trust account.
STANDARD OF REVIEW	The court applied the statutory eligibility standard under 28 U.S.C. § 1915(a) and found that plaintiff made the required showing.
PRECEDENTIAL VALUE	Unpublished district court order; nonprecedential

TOPICS

- prisoners rights
- civil rights
- civil procedure
- remedies

PRACTICE AREAS

- Prisoner civil rights
- Federal civil procedure
- In forma pauperis proceedings

QUESTIONS PRESENTED

1. Whether plaintiff should be permitted to proceed in forma pauperis under 28 U.S.C. § 1915(a).
2. How plaintiff's statutory filing fee must be collected under 28 U.S.C. § 1915(b).

HOLDINGS

1. Plaintiff made the showing required by 28 U.S.C. § 1915(a), so the application to proceed in forma pauperis was granted.
2. Plaintiff remains obligated to pay the \$350 statutory filing fee, with monthly payments equal to twenty percent of the preceding month's income credited to his prison trust account, forwarded whenever the account balance exceeds \$10, until the fee is paid in full.

KEY QUOTATIONS

“Plaintiff is obligated to make monthly payments in the amount of twenty percent of the preceding month’s income credited to plaintiff’s trust account.” (at 1)

“The payments shall be clearly identified by the name and number assigned to this action.” (at 1)

FACTUAL BACKGROUND

Bjorn Erik Haapaniemi is a federal prisoner proceeding without counsel in a Bivens action. He submitted an application to proceed in forma pauperis and was subject to payment of the statutory civil filing fee from his prison trust account.

PROCEDURAL HISTORY

Plaintiff initiated this action under Bivens and submitted an application to proceed in forma pauperis under 28 U.S.C. § 1915. The court granted the application, ordered payment of the \$350 statutory filing fee through monthly deductions, and directed service of the order and related materials on prison and court financial officials.

DISPOSITION

other

CASES CITED

- Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics, 403 U.S. 388 (1971)

OPINION

(PC) Haapaniemi v. Warden, FCI Mendota Prison

PER CURIAM.

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10

11 BJORN ERIK HAAPANIEMI, 1:23-cv-00306-GSA (PC)

12 Plaintiff, ORDER GRANTING APPLICATION TO
PROCEED IN FORMA PAUPERIS

13 v. and

ORDER DIRECTING PAYMENT

14 WARDEN, FCI MENDOTA PRISON, et OF INMATE FILING FEE BY FCI MENDOTA

al., 15 Defendants. 16 17 18 Plaintiff is a federal prisoner proceeding pro se pursuant to 403 U.S.
388 (1971) and has 19 requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.
Plaintiff has made 20 the showing required by § 1915(a) and accordingly, the request to proceed in
forma pauperis will 21 be granted. Plaintiff is obligated to pay the statutory filing fee of \$350.00
for this action. 28 22 U.S.C. § 1915(b)(1). Plaintiff is obligated to make monthly payments in the
amount of twenty 23 percent of the preceding month's income credited to plaintiff's trust account.
FCI Mendota is 24 required to send to the Clerk of the Court payments from plaintiff's account
each time the amount 25 in the account exceeds \$10.00, until the statutory filing fee is paid in full.
28 U.S.C. § 1915(b)(2). 26 In accordance with the above and good cause appearing therefore, IT
IS HEREBY 27 ORDERED that: 28 1. Plaintiff's application to proceed in forma pauperis is
GRANTED; 1 2. The Warden of FCI Mendota or his/her designee shall collect payments from 2
plaintiff's prison trust account in an amount equal to twenty per cent (20%) of 3 the preceding
month's income credited to the prisoner's trust account and shall 4 forward those payments to the
Clerk of the Court each time the amount in the 5 account exceeds \$10.00, in accordance with 28
U.S.C. § 1915(b)(2), until a total of 6 \$350.00 has been collected and forwarded to the Clerk of the
Court. The 7 payments shall be clearly identified by the name and number assigned to this 8
action. 9 3. The Clerk of the Court is directed to serve a copy of this order and a copy of plaintiff's
10 in forma pauperis application on the Warden of FCI Mendota, at P.O. Box 39, 11 Mendota, CA
93640. 12 4. The Clerk of the Court is directed to serve a copy of this order on the Financial 13
Department, U.S. District Court, Eastern District of California, Sacramento Division. 14 5. Within
thirty (60) days of the date of service of this order, plaintiff shall submit a 15 certified copy of
his/her prison trust account statement for the six-month period 16 immediately preceding the filing
of the complaint, if plaintiff has not already done so. 17 IT IS SO ORDERED. 18 19 Dated: March
2, 2023 /s/ Gary S. Austin

UNITED STATES MAGISTRATE JUDGE

20 21 22 23 24 25 26 27 28