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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NORMAN HUBBS,

1:10-cv-02218-GSA-PC

Plaintiff,

ORDER VACATING FINDINGS
AND RECOMMENDATION OF
JANUARY 20, 2011
(Doc. 8.)

vs.

STEPHEN MAYBERG, et al.,

Defendants.

ORDER GRANTING APPLICATION
TO PROCEED IN FORMA PAUPERIS
(Doc. 10.)

_____ /

Norman Hubbs (“Plaintiff”) is a civil detainee proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. On January 20, 2011, findings and recommendations were entered, to dismiss this action based on Plaintiff’s failure to comply with the Court’s order of December 2, 2010 which ordered him to submit a non-prisoner application to proceed in forma pauperis within thirty days. (Doc. 8.) On January 27, 2011, Plaintiff filed objections to the findings and recommendations, together with a completed application to proceed in forma pauperis on the Court’s form. (Docs. 9, 10.) Due to Plaintiff’s response, the Court finds good cause to vacate the findings and recommendations. In addition, because Plaintiff has submitted a declaration that makes the showing required by § 1915(a), the application to proceed in forma pauperis shall be granted.

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Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendation entered on January 20, 2011, are VACATED; and
2. Plaintiff's application to proceed in forma pauperis, filed on January 27, 2011, is GRANTED.

IT IS SO ORDERED.

Dated: January 28, 2011

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE