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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL BIRD,
Plaintiff,
v.
A. ZUNIGA, et al.,
Defendants.

CASE NO. 1:15-cv-00910--MJS (PC)

**ORDER VACATING FINDINGS AND
RECOMMENDATIONS ON OBJECTIONS TO
ORDER DENYING REQUEST TO
WITHDRAW CONSENT TO MAGISTRATE
JUDGE JURISDICTION
(ECF No. 17)**

**ORDER DENYING OBJECTIONS AS MOOT
(ECF No. 15)**

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action brought pursuant to 28 U.S.C. § 1983. The action proceeds against Defendant Musleh on Plaintiff's Eighth Amendment failure to protect claim.

On July 6, 2015, Plaintiff consented to have a United States Magistrate Judge conduct all further proceedings in this case, including trial and entry of final judgment, pursuant to 28 U.S.C. § 636(c)(1). (ECF No. 6.) On May 13, 2016, after the Court screened Plaintiff's first amended complaint and dismissed several claims and defendants, Plaintiff filed a request to withdraw his consent to Magistrate Judge jurisdiction. (ECF No. 10.) The undersigned denied the motion on the ground that

1 Plaintiff failed to present good cause or extraordinary circumstances to support his
2 request. Dixon v. Ylst, 990 F.2d 478, 479 (9th Cir. 2003); see also 28 U.S.C. § 636(c)(4).
3 (ECF No. 14.)

4 On May 31, 2016, Plaintiff filed objections to the order denying his request to
5 withdraw his consent to Magistrate Judge jurisdiction. (ECF No. 15.) The matter was
6 assigned to a District Judge and the undersigned issued findings and recommendations
7 to deny Plaintiff's request.

8 Following the issuance of the findings and recommendations, Defendant Musleh
9 appeared in the action and declined Magistrate Judge jurisdiction. In light of Defendant
10 Musleh's declination, this matter will remain assigned to the undersigned and District
11 Judge Dale A. Drozd.

12 Based on the foregoing, Plaintiff's objections are moot and are HEREBY DENIED
13 without prejudice. For the same reason, the findings and recommendations are HEREBY
14 VACATED.

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16 IT IS SO ORDERED.

17 Dated: August 4, 2016

1st Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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