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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JONATHAN ELLIOT HIGGINS,

Plaintiff,

v.

LOUIS RODRIGUEZ, et al.,

Defendants.

Case No. 1:16-cv-00804 LJO DLB PC

ORDER DENYING PLAINTIFF'S MOTION
TO DISMISS CASE
[ECF No. 7]

ORDER TO SHOW CAUSE WHY ACTION
SHOULD NOT BE DISMISSED FOR
FAILURE TO FOLLOW COURT ORDERS

FOURTEEN-DAY DEADLINE

Plaintiff Jonathan Elliot Higgins, ("Plaintiff"), a state prisoner proceeding pro se, filed this civil rights action on June 10, 2016.

On August 3, 2016, Plaintiff filed a motion to dismiss Case No. 1:16-cv-00819 EPG as duplicative. Plaintiff is advised that since he wishes to dismiss Case No. 1:16-cv-00819 EPG, he must bring his motion in that case. Nevertheless, the docket in Case No. 1:16-cv-00819 EPG reflects that the Court has issued a Findings and Recommendation that the case be dismissed as duplicative. Therefore, the motion is moot.

On June 10, 2016, the Court issued an order directing Plaintiff to complete and return a consent/decline form within thirty days. Thirty days passed and Plaintiff failed to comply. The Court issued a second order on July 25, 2016, directing Plaintiff to complete and return a consent/decline form within thirty days. Again, thirty days passed and Plaintiff failed to comply.

1 On June 20, 2016, the Court issued an order directing Plaintiff to submit an application to proceed in
2 forma pauperis or pay the filing fee within forty-five days. Over forty-five days have passed and
3 Plaintiff has failed to comply.

4 Accordingly, IT IS HEREBY ORDERED:

- 5 1) Plaintiff's motion to dismiss Case No. 1:16-cv-00819 EPG is DENIED; and
6 2) Plaintiff is ORDERED TO SHOW CAUSE why this action should not be dismissed for
7 failure to follow a Court order. Plaintiff shall file a response to this order within fourteen
8 (14) days of the date of service.

9 Failure to show cause, or failure to respond to this order, may result in dismissal of this
10 action.

11
12 IT IS SO ORDERED.

13 Dated: August 23, 2016

/s/ Dennis L. Beck
14 UNITED STATES MAGISTRATE JUDGE