

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JONATHAN ELLIOTT HIGGINS,)	Case No.: 1:16-cv-00804-DAD-SAB (PC)
)	
Plaintiff,)	
)	ORDER VACATING ORDER TO
v.)	SHOW CAUSE
)	
LOUIS RODRIGUEZ, et al.,)	[ECF No. 10]
)	
Defendants.)	
)	
)	

Plaintiff Jonathan Elliott Higgins is appearing pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

On August 23, 2016, the previously-assigned magistrate judge issued an order to show cause why the action should not be dismissed for failure to comply with a court order, namely, the failure to complete and return the consent/decline form and failure to submit an application to proceed in forma pauperis or pay the filing fee. (ECF No. 10.) The August 23, 2016, order shall be vacated.

On June 10, 2016 (prior to issuance of the order to show cause), Plaintiff submitted his prisoner trust account statement, along with the signature page of the application to proceed in forma pauperis, signed under penalty of perjury by Plaintiff. (ECF No. 2.) Based on Plaintiff’s filing, he has made the required showing that he is entitled to proceed in forma pauperis in this action pursuant to 28 U.S.C. § 1915.

1 On August 3, 2016 (prior to issuance of the order to show cause), Plaintiff declined magistrate
2 judge jurisdiction and this action was assigned to District Judge Dale A. Drozd. (ECF Nos. 8, 9.)
3 Plaintiff declined magistrate judge jurisdiction again on September 6, 2016. (ECF No. 13.)

4 In light of the foregoing, it is HEREBY ORDERED:

- 5 1. The order to show cause issued August 23, 2016, is VACATED; and
- 6 2. Plaintiff will be granted in forma pauperis status by issuance of separate order.

7
8 IT IS SO ORDERED.

9 Dated: September 12, 2016


UNITED STATES MAGISTRATE JUDGE