UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GEORGE E. JACOBS, Plaintiff, v. California Department of Corrections and Rehabilitation, Defendant.	Case No. **1:17-cv-01599-DAD-SKO (PC)** **ORDER GRANTING PLAINTIFF'S MOTION TO WITHDRAW APPLICATION TO PROCEED *IN FORMA PAUPERIS*** **(Docs. 2, 10)**

Plaintiff, George E. Jacobs, is a state prisoner in the custody of the California Department of Corrections and Rehabilitation ("CDCR"), proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983, which he filed on December 4, 2017. (Doc. 1.) Along with the Complaint, Plaintiff filed an application to proceed *in forma pauperis* ("IFP"). (Doc. 2.) Plaintiff's application contained certification from the Substance Abuse and Treatment Facility ("SATF") as well as a copy of Plaintiff's CDCR trust account statement. (*Id.*) Upon review, Plaintiff's trust account reflects an increase from ten-thousand dollars ($10,000.00) to over thirty-six-thousand dollars ($36,000.00) in the months prior to the date that he filed this action.

On December 11, 2017, an order issued for Plaintiff to show cause ("OSC") within twenty-one (21) days why this action should not be dismissed based on his untrue poverty allegation in his IFP application. (Doc. 5.) Plaintiff filed a timely response. (Doc. 7.) The Court accepted Plaintiff's explanation. The OSC was discharged and Plaintiff paid the $400.00 filing fee in full on January 16, 2018. On January 22, 2018, Plaintiff filed a statement withdrawing his

application to proceed *in forma pauperis*. (Doc. 10.) Since Plaintiff does not qualify for *in forma pauperis* status in this action, withdrawal of his application is appropriate.

Accordingly, it is HEREBY ORDERED that Plaintiff's statement withdrawing his application to proceed *in forma pauperis*, filed January 22, 2018, (Doc. 10), is GRANTED and his application to proceed *in forma pauperis*, filed on December 24, 2018, (Doc. 2), is deemed WITHDRAWN.

IT IS SO ORDERED.

Dated: **January 24, 2018**   /s/ *Sheila K. Oberto*
                                          UNITED STATES MAGISTRATE JUDGE