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

WILLIAM P. GRANT,

Plaintiff,

No. CIV S-10-0176 GEB DAD PS

v.

ACCESS DENTAL, et al.,

Defendants.

ORDER

_____ /

On January 22, 2010, this action was referred to the undersigned pursuant to Local Rule 302(c)(21). On April 26, 2010, the court denied plaintiff's in forma pauperis application and recommended that the case be dismissed for lack of jurisdiction. Subsequently, it came to the attention of the undersigned that William P. Grant was declared a vexatious litigant in this court in 1997.

The Vexatious Litigant Order filed by the Honorable William B. Shubb on April 25, 1997, provides as follows:

The Clerk of the Court is further directed not to accept for filing any documents submitted by or on behalf of Grant which seek to initiate any civil or miscellaneous action unless the following conditions are satisfied:

- (1) Grant certifies in writing that the claims presented are new claims that have never been raised and disposed of on their merits by this court;

1 (2) the then-duty magistrate judge enters an order
2 permitting William P. Grant to initiate the civil or
3 miscellaneous action based on a determination that it is not
4 frivolous.

5 (In the Matter of William P. Grant, Vexatious Litigant Order at 2-3, filed Apr. 25, 1997 in
6 fourteen cases, including MISC S-97-0041 LKK.)

7 The complaint and in forma pauperis application submitted by plaintiff for the
8 purpose of initiating this civil action were not accompanied by the required written certificate.
9 Plaintiff's documents should not have been filed or even submitted to the then-duty magistrate
10 judge because the first condition of the Vexatious Litigant Order was not satisfied.¹

11 IT IS HEREBY ORDERED that:

12 1. The order and findings and recommendations filed April 26, 2010 (Doc. No. 3)
13 are vacated.

14 2. This case having been opened in error, the Clerk of the Court is directed to
15 close the case forthwith.

16 DATED: June 1, 2010.

17 
18 _____
19 DALE A. DROZD
20 UNITED STATES MAGISTRATE JUDGE

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23 ¹ The undersigned has determined that the William P. Grant who submitted the
24 complaint filed in this case is the same William P. Grant against whom the Vexatious Litigant
25 Order was issued. Attached to the present complaint is a civil cover sheet identifying as a related
26 case an action assigned to Judge Levi, Docket Number "CV-S-0555-DFL." Grant v. United
States Air Force, case No. CIV S-92-0555 DFL, is one of fourteen cases filed by William P.
Grant in the five years prior to his filing of fourteen new cases in 1997. The fourteen cases filed
in 1997 are listed in Exhibit A and the fourteen prior cases are listed in Exhibit B to the Order to
Show Cause issued by Judge Shubb on February 27, 1997; the Order to Show Cause, with
exhibits, is attached to the Vexatious Litigant Order filed April 25, 1997.