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6   **IN THE UNITED STATES DISTRICT COURT**

7   **FOR THE DISTRICT OF ARIZONA**

8

9   Yusuf Fard,   )   No. CV 11-2583-PHX-DGC (ECV)
)
10   Plaintiff,   )   **ORDER**
)
11   vs.   )
)
12   Joseph M. Arpaio, et al.,   )
)
13   Defendants.   )
)
14

15   Plaintiff Yusuf Fard, who is confined in the Maricopa County Lower Buckeye Jail,

16   has filed a *pro se* civil rights Complaint pursuant to 42 U.S.C. § 1983 and an Application to

17   Proceed *In Forma Pauperis*.

18   Plaintiff's Complaint raises three claims for relief that are identical to the three claims

19   for relief Plaintiff raises in his previously filed lawsuit, CV 11-2582-PHX-DGC (ECV), with

20   the exception that Plaintiff has added Detention Officer King as a Defendant in this action.

21   An *in forma pauperis* complaint that merely repeats pending or previously litigated

22   claims may be considered abusive and dismissed under the authority of 28 U.S.C. § 1915(e).

23   Cato v. United States, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995); Bailey v. Johnson, 846 F.2d

24   1019, 1021 (5th Cir. 1988). An *in forma pauperis* complaint repeating the same factual

25   allegations asserted in an earlier case, even if now filed against new defendant, is subject to

26   dismissal as duplicative and frivolous. See Bailey, 846 F.2d at 1021; see also Van Meter v.

27   Morgan, 518 F.2d 366, 368 (8th Cir. 1975).

28   Accordingly, the Court will dismiss Plaintiff's Complaint as duplicative of CV 11-

2582. Plaintiff should note that his Complaint in CV 11-2582 has been dismissed with leave to amend. If Plaintiff chooses to file an amended complaint in CV 11-2582, he may add defendants in that case as necessary.

IT IS ORDERED:

      (1)   Plaintiff's Application to Proceed *In Forma Pauperis* (Doc. 2) is **denied**.

      (2)   The Complaint (Doc. 1) and this action are **dismissed without prejudice** as duplicative of CV 11-2582-PHX-DGC (ECV). The Clerk of Court must close the case and enter judgment.

      DATED this 23rd day of February, 2012.

_____
David G. Campbell
United States District Judge