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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

LAWRENCE L. MARSH,

CASE NO. 1:09-cv-01282-SMS PC

Plaintiff,

ORDER VACATING ORDER GRANTING IFP
AND DIRECTING COLLECTION OF FILING
FEE, AND DISMISSING THIS ACTION AS
DUPLICATIVE OF CASE NUMBER 1:09-cv-
01243-GSA

v.

M. VEGIANELLI, et al.,

Defendants.

(Doc. 8)

Plaintiff Lawrence L. Marsh, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on July 23, 2009. On August 5, 2009, Plaintiff filed a motion to “strike” case number 1:09-cv-01243-GSA as duplicative of this action. (Doc. 8.)

The Court has reviewed both actions, and they are in fact proceeding on identical complaints. Because case number 1:09-cv-01243-GSA was filed first, it shall remain open and this later-filed action shall be closed.

Accordingly, it is HEREBY ORDERED that:

1. The order granting Plaintiff leave to proceed in forma pauperis and directing the collection of the filing fee from his trust account, filed August 7, 2009, is VACATED;
2. This action is dismissed as duplicative of case number 1:09-cv-01243-GSA; and

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3. The Clerk's Office shall serve a copy of this order on (1) the Director of the California Department of Corrections and Rehabilitation and (2) the Financial Department, U.S. District Court, Eastern District of California, Fresno Division.

IT IS SO ORDERED.

Dated: August 10, 2009

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE