

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

ROBERT GRIFFIN,	CASE NO. 1:10-cv-297-MJS (PC)
Plaintiff,	ORDER DISMISSING CASE BASED ON
v.	PLAINTIFF'S RESPONSE TO ORDER TO
KERN MEDICAL CENTER, et al.,	SHOW CAUSE
Defendants.	(ECF No. 9)

_____ /

Plaintiff Robert Griffin ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to the jurisdiction of the Magistrate Judge in this case.

On June 14, 2010, the Court notified Plaintiff that it appeared he had filed the same action twice, once as 1:09-cv-1782-AWI-MJS (PC) and then again as 1:10-cv-297-MJS (PC). The Court ordered Plaintiff to elect which case he desired to pursue. In response, Plaintiff indicated that he wished to pursue case number 1:09-cv-1782-AWI-MJS (PC).

Accordingly, the above-captioned action is DISMISSED without prejudice. The Clerk is ordered to close the case.

IT IS SO ORDERED.

Dated: July 13, 2010

Isl. Michael J. Seng
UNITED STATES MAGISTRATE JUDGE