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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

RAEKUBIAN A. BARROW,

CASE NO. 1:11-cv-00078-BAM PC

Plaintiff,

ORDER DISMISSING ACTION AS
DUPLICATIVE OF CASE NUMBER
1:10-CV-00154-MJS PC

v.

KEN CLARK, et al.,

(ECF No. 1)

Defendants.

_____ /
This action was filed on October 13, 2010, in the Northern District of California by Plaintiff Raekubian A. Barrow, a state prisoner proceeding pro se and in forma pauperis, and the case was transferred to this court on January 18, 2011. A review of court records reveals that this action is duplicative of case number 1:10-cv-00154-MJS PC Barrow v. Warden California Medical Facility Corcoran, which was filed on February 1, 2010. Both actions are alleging that, on October 10, 2008, Correctional Officer Martinez kicked the port closed while Plaintiff's hands and arms were still there and that Sergeant J. Ourique was present.

In as much as the complaints are alleging the same facts against the same defendants, this case, as the latter-filed one, is HEREBY ORDERED DISMISSED as duplicative.

IT IS SO ORDERED.

Dated: November 3, 2011

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE