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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
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8 **EUGENE E. FORTE,**

9 **Plaintiff**

10 **v.**

11 **COUNTY OF MERCED, et al.,**

12 **Defendants.**

CASE NO. 1:11-cv-00318-AWI-BAM

**ORDER DENYING DEFENDANTS'
MOTION FOR INJUNCTION
WITHOUT PREJUDICE**

Doc. #'s 362 & 373

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15 Currently before the court is a motion by defendants County of Merced et al.
16 (“Defendants”) for injunction against plaintiff Eugene E. Forte (“Plaintiff”) to prevent Plaintiff
17 from continuing to harass Defendants through the filing of claims against parties that have been
18 previously dismissed with prejudice on grounds that were previously alleged and found by the
19 court to be meritless. As Defendants note, Plaintiff filed an action on January 28, 2015, alleging
20 claims against defendants who had been dismissed with prejudice from this case and based on
21 facts that were found by this court to fail to state claims upon which relief could be granted.
22 While Defendants’ motion is well reasoned and well supported by both law and fact, the court is
23 presently very reluctant to take any action that would impair or complicate proceedings currently
24 underway before a different judge. The court notes that Plaintiff is proceeding *in pro per* and the
25 action filed on January 28, 2015, is therefore subject to screening by the court prior to any
26 response being required by Defendants. The court is currently of the opinion that the screening
27 function at this point provides most, if not all, of the protection against litigious harassment that
28 would be provided by an injunctive order. The court is therefore of the opinion that the least

1 intrusive and therefore appropriate course of action at this time is to deny Defendants' motion for
2 injunctive relief without prejudice.

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4 THEREFORE, it is hereby ORDERED that Defendants' motion to enjoin Plaintiff from
5 further filing is hereby DENIED without prejudice. This motion may be renewed upon resolution
6 of Plaintiff's currently pending in Case Number 15-cv-0147 KJM BAM.

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8 IT IS SO ORDERED.

9 Dated: September 29, 2015



10 SENIOR DISTRICT JUDGE