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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROBIN DASENBROCK,

1:11-cv-01917-GSA-PC

Plaintiff,

ORDER DISMISSING THIS CASE AS
DUPLICATIVE OF CASE 1:11-CV-01884-
DLB-PC
(Doc. 1.)

v.

KINGS COUNTY, et al.,

Defendants.

ORDER VACATING ORDER DIRECTING
CDCR TO COLLECT FILING FEE
PAYMENTS FOR THIS ACTION
(Doc. 5.)

ORDER FOR CLERK TO ENTER THIS
ORDER ON THE DOCKET FOR CASE
1:11-CV-01884-DLB-PC

Robin Dasenbrock (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action was commenced by civil complaint on November 17, 2011. (Doc. 1.) On November 22, 2011, the Court granted Plaintiff leave to proceed in forma pauperis and entered an order directing the California Department of Corrections and Rehabilitation (“CDCR”) to deduct payment from Plaintiff’s prison trust account for the \$350.00 filing fee for this action. (Doc. 5.)

On December 2, 2011, Plaintiff consented to Magistrate Judge jurisdiction in this action, and no other parties have made an appearance. (Doc. 7.) Therefore, pursuant to Appendix A(k)(4) of the Local Rules of the Eastern District of California, the undersigned shall conduct any and all

1 proceedings in the case until such time as reassignment to a District Judge is required. Local Rule
2 Appendix A(k)(3).

3 On December 2, 2011, Plaintiff notified the Court that the complaint for this action is
4 duplicative of the complaint in case 1:11-cv-01884-DLB-PC. (Doc. 8.) Plaintiff asserts that he
5 submitted two copies of the same complaint to the Court, in separate envelopes, and the Court
6 opened two separate cases and assigned two case numbers for the same action. Plaintiff requests that
7 this error be resolved before he is subject to orders requiring him to pay two \$350.00 filing fees.

8 A review of the complaints filed in Plaintiff's two actions reveals that the two complaints are
9 identical, except that the exhibits to the complaints are arranged in different page order and vary by
10 one page.¹ Good cause appearing, the present action, 1:11-cv-01917-GSA-PC, shall be dismissed
11 as duplicative, and Plaintiff shall proceed with case 1:11-cv-01884-DLB-PC. In addition, the Court
12 shall vacate its order directing the CDCR to deduct the filing fee for this case, 1:11-cv-01917-GSA-
13 PC, from Plaintiff's prison trust account.

14 Based on the foregoing, IT IS HEREBY ORDERED that:

- 15 1. This action is DISMISSED as duplicative of case 1:11-cv-01884-DLB-PC;
- 16 2. The Court's order of November 15, 2011 in this case, 1:11-cv-01917-GSA-PC,
17 which directed the CDCR to make payments to the Court from Plaintiff's prison trust
18 account for payment of the filing fee for this case, 1:11-cv-01917-GSA-PC, is
19 VACATED; and
- 20 3. The Clerk of Court is directed to:
 - 21 (1) CLOSE this case;
 - 22 (2) ENTER this order on the docket for case 1:11-cv-01884-DLB-PC;
 - 23 (3) SERVE a copy of this order on:
 - 24 (i) the Director of the CDCR; and

25
26 ¹The Clerk scanned 296 pages for the complaint and exhibits in case 1:11-cv-01884-DLB-PC, whereas 297
27 pages were scanned for the complaint and exhibits in case 1:11-cv-01997-GSA-PC. However, the one hundred
28 seventy-eight pages of the complaint itself are identical in both cases. Plaintiff is advised that the court looks to the
factual allegations contained in Plaintiff's complaint to determine whether or not Plaintiff has stated a cognizable
claim for relief under § 1983. Exhibits are not necessary in the federal system of notice pleading. Fed. R. Civ. P.
8(a).

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(ii) the Financial Department, U.S. District Court, Eastern District of
California, Fresno Division.

IT IS SO ORDERED.

Dated: December 8, 2011

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE