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8 **UNITED STATES DISTRICT COURT**

9 **EASTERN DISTRICT OF CALIFORNIA**

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11 SUSAN MAE POLK,

12 Plaintiff,

13 v.

14 LATTIMORE, et al.,

15 Defendants.
16

Case No. 1:12-cv-01156-DAD-BAM (PC)

**ORDER STRIKING AS DUPLICATIVE
FIFTH AMENDED COMPLAINT**

(ECF No. 116)

17 Plaintiff Susan Mae Polk (“Plaintiff”) is a state prisoner proceeding pro se and in forma
18 pauperis in this civil rights action pursuant to 42 U.S.C. § 1983.

19 On November 5, 2018, the District Judge granted Plaintiff leave to file a fifth amended
20 complaint on a single claim. (ECF No. 113.) Following an extension of time, Plaintiff filed a
21 fifth amended complaint on February 4, 2019. (ECF No. 116.) Thereafter, on February 15, 2019,
22 Plaintiff filed another fifth amended complaint, indicating that she had made corrections. (ECF
23 No. 117.)

24 Having reviewed the two fifth amended complaints it appears that Plaintiff has made only
25 minor typographical and clerical corrections, but the documents are otherwise identical. As both
26 complaints appear to be timely filed, the Court finds it appropriate to consider Plaintiff’s most
27 recently filed complaint as her fifth amended complaint for screening purposes.

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Accordingly, Plaintiff's fifth amended complaint, filed February 4, 2019, (ECF No. 116), is HEREBY STRICKEN as duplicative. Plaintiff's fifth amended complaint, filed February 15, 2019, (ECF No. 117), will be screened in due course.

IT IS SO ORDERED.

Dated: **February 21, 2019**

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE