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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 DAVID VERA SANDOVAL,

12 Plaintiff,

13 v.

14 CALIFORNIA DEPARTMENT OF
15 CORRECTIONS AND REHABILITATION,

16 Defendant.

Case No. 1:14-cv-02086 AWI DLB PC

ORDER DISMISSING ACTION AS
DUPLICATIVE OF 1:14-cv-02038-BAM-PC
AND VACATING ORDER DIRECTING
CDCR TO COLLECT PAYMENTS FOR
FILING FEE

[ECF No. 5]

17 Plaintiff David Vera Sandoval, a state prisoner proceeding pro se, filed this civil action on
18 December 31, 2014.

19 On January 15, 2015, Plaintiff filed a document notifying the Court of the existence of two
20 cases. Plaintiff explained that he did not understand which case he needed to proceed with since a
21 prior case had been opened under the same complaint in 1:14-cv-2038-BAM-PC. Plaintiff
22 complains that he did not intend to open two cases, and now he is being charged with an additional
23 filing fee. The Court has reviewed the complaint in 1:14-cv-2038-BAM-PC, and indeed, the
24 complaints are identical and bear the same date, December 7, 2014, on the proof of service.

25 The instant case, having been filed in error after the first case, must be dismissed as
26 duplicative. Under the circumstances, as the second action was opened in error, the Court will
27 vacate the January 5, 2015, order requiring CDCR to collect payments for this action.
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ORDER

Accordingly, IT IS HEREBY ORDERED that this action is DISMISSED as duplicative and the order requiring CDCR to collect payments for this action is VACATED.

IT IS SO ORDERED.

Dated: April 13, 2015



SENIOR DISTRICT JUDGE