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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DIMITRI Z. STORM,
Plaintiff,
v.
GAVIN NEWSOM, *et al.*,
Defendants.

Case No. 1:24-cv-01014-CDB (PC)
ORDER ADMINISTRATIVELY CLOSING
INSTANT CASE AS OPENED IN ERROR

Plaintiff Dimitri Z. Storm (“Plaintiff”) is proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. (Doc. 1). This action was filed on August 27, 2024. *Id.*

Approximately two months earlier (on June 25, 2024), Plaintiff initiated a nearly identical action in *Storm v. Newsom, et al.*, Case No. 1:24-cv-00743-JLT-SKO (PC).¹ The Honorable United States Magistrate Judge Sheila K. Oberto issued an order striking Plaintiff’s complaint as the pleading was unsigned. Judge Oberto directed the Clerk of the Court to send Plaintiff a blank civil rights complaint form and for Plaintiff to file a signed civil rights complaint. It appears that the instant complaint (Doc. 1) was filed in response to Judge Oberto’s order. Therefore, the instant action is duplicative of the first, and was opened in error. As a result, the Court directs the Clerk of the Court to correct this administrative error by closing the incorrectly opened new case.

¹ A court may take judicial notice of court records in another case. *United States v. Howard*, 381 F.3d 873, 876 n.1 (9th Cir. 2004).

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Plaintiff is informed that he should continue to respond to orders issued in Case No. 1:24-cv-00743-SKO regarding the claims raised in his complaint. **That case remains open at this time and is not affected by this order.** In addition, Plaintiff will **not** be charged the filing fee for this incorrectly opened case.

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of the Court shall ADMINISTRATIVELY CLOSE Case No. 1:24-cv-01014-CDB; and
2. The Clerk of the Court is DIRECTED to file the complaint (Doc. 1) in Case No. 1:24-cv-00743-SKO.

IT IS SO ORDERED.

Dated: August 29, 2024


UNITED STATES MAGISTRATE JUDGE