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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL A HUNT,)	No. 2:08-cv-00181-SPK
Plaintiff,)	
v.)	
R. RIOS, D. FIELDS,)	
Defendants.)	

ORDER STRIKING AMENDED COMPLAINT AND DIRECTING FILING OF
NEW ACTION

By order filed on November 2, 2009, this Court *inter alia* denied a request by Plaintiff Michael Hunt to amend the operative complaint in this action. Plaintiff had sought to add claims of alleged retaliation that were distinct from the alleged retaliation in the operative complaint of August 22, 2008. The new alleged events, although arguably related to the complaint in this action, concerned allegations of distinct retaliation that had not been administratively exhausted when the original complaint was filed. The Court's denial of the request to amend, however, was without prejudice to the filing of a new separate action regarding the distinct

1 events.

2 On December 11, 2009, Plaintiff filed a Complaint for Injunctive Relief and
3 Damages [doc. 30] and a corresponding new Application to Proceed In Forma
4 Pauperis [doc. 31]. Plaintiff has apparently filed the new action based upon the
5 distinct allegations of retaliation. This was apparently intended to have been filed
6 as a new, distinct (although possibly related) action. The new Complaint, however,
7 was filed incorrectly by the Clerk as an *Amended Complaint* (something which was
8 previously denied) in this action. The new Complaint should be a new action with
9 a new civil number.

10 Accordingly, the Court STRIKES the “Amended Complaint” [doc. 30] from
11 this action and directs the Clerk to file that document in a new action with a new
12 civil number. That action should be assigned in the normal course to the next
13 available Judge. The corresponding Application to Proceed In Forma Pauperis
14 [doc. 31] is also STRICKEN from this action and shall be filed in the new civil
15 action.

16 IT IS SO ORDERED.

17 DATED: December 21, 2009.



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Samuel P. King

Samuel P. King
Senior United States District Judge