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

WILLIAM P. GRANT,

Plaintiff,

No. CIV S-10-0175 LKK GGH PS

v.

THE STATE OF CALIFORNIA,

Defendant.

ORDER

_____ /

Plaintiff filed this action on January 22, 2010, and it was referred to the undersigned pursuant to Local Rule 302(c)(21). On May 19, 2010, the court granted plaintiff's in forma pauperis application, dismissed the complaint, and granted plaintiff leave to file an amended complaint. Subsequently, it came to the attention of the undersigned that William P. Grant was declared a vexatious litigant in this court in 1997.

The Vexatious Litigant Order filed by the Honorable William B. Shubb on April 25, 1997, provides as follows:

The Clerk of the Court is further directed not to accept for filing any documents submitted by or on behalf of Grant which seek to initiate any civil or miscellaneous action unless the following conditions are satisfied:

- (1) Grant certifies in writing that the claims presented are new claims that have never been raised and disposed of on their merits by this court;

1 (2) the then-duty magistrate judge enters an order
2 permitting William P. Grant to initiate the civil or
3 miscellaneous action based on a determination that it is not
4 frivolous.

5 (In the Matter of William P. Grant, Vexatious Litigant Order at 2-3, filed Apr. 25, 1997 in
6 fourteen cases, including MISC S-97-0041 LKK.)

7 The complaint and in forma pauperis application submitted by plaintiff for the
8 purpose of initiating this civil action were not accompanied by the required written certificate.
9 Plaintiff's documents should not have been filed or even submitted to the then-duty magistrate
10 judge because the first condition of the Vexatious Litigant Order was not satisfied.¹

11 IT IS HEREBY ORDERED that:

12 1. The order filed May 19, 2010 (Dkt. # 3) is vacated.

13 2. This case having been opened in error, the Clerk of the Court is directed to
14 close the case forthwith.

15 DATED: June 3, 2010

/s/ Gregory G. Hollows

16 _____
17 GREGORY G. HOLLOWES
18 U.S. MAGISTRATE JUDGE

19 GGH/076/Grant0175.vexlit.wpd

20
21 _____
22 ¹ The undersigned has determined that the William P. Grant who submitted the
23 complaint filed in this case is the same William P. Grant against whom the Vexatious Litigant
24 Order was issued. The signatures and in forma pauperis information in this case are identical to
25 the signature and ifp information in case number Civ.S.-10-0176 GEB DAD. Attached to the
26 complaint in case number Civ. S.-10-0176 GEB DAD is a civil cover sheet identifying as a
related case an action assigned to Judge Levi, Docket Number "CV-S-0555-DFL." Grant v.
United States Air Force, case No. CIV S-92-0555 DFL, is one of fourteen cases filed by William
P. Grant in the five years prior to his filing of fourteen new cases in 1997. The fourteen cases
filed in 1997 are listed in Exhibit A and the fourteen prior cases are listed in Exhibit B to the
Order to Show Cause issued by Judge Shubb on February 27, 1997; the Order to Show Cause,
with exhibits, is attached to the Vexatious Litigant Order filed April 25, 1997.