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

MICHAEL L. OVERTON,

Plaintiff,

No. CIV S-11-2720 DAD P

vs.

WARDEN: ASSOC. CLASSIFICATION
COMMITTEE EN BANC,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se. On October 14, 2011, this case was opened with plaintiff's initial filing, a document styled, "Notice Of Motion & Motion For Summon's [sic] And Complaint, in This Cause of Action & Summary Judgment pursuant To F.R.C.P. Rule 56." (Doc. No. 1.) The court's records reveal that plaintiff also has a pending civil rights action, Overton v. Assoc. Warden Business Service, CIV S-10-2955 MCE DAD P. In that earlier filed case, plaintiff was granted leave to file a second amended complaint on October 4, 2011. Because both cases concern allegations regarding a prison rules violation charge brought against plaintiff for over-familiarity with staff and the loss of plaintiff's personal property, it appears that plaintiff's notice of motion and motion for summons and complaint should have been filed in CIV S-10-2955 MCE DAD P.

1 Accordingly, IT IS HEREBY ORDERED that:

2 1. The Clerk of the Court is directed to place a copy of plaintiff's October 14,
3 2011 document styled, "Notice Of Motion & Motion For Summon's [sic] And Complaint, in
4 This Cause of Action & Summary Judgment pursuant To F.R.C.P. Rule 56" (Doc. No. 1) in case
5 number CIV S-10-2955 MCE DAD P with the filing date of October 14, 2011; and

6 2. This action is administratively closed.

7 DATED: November 2, 2011.

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9 
10 _____
11 DALE A. DROZD
12 UNITED STATES MAGISTRATE JUDGE

10 DAD:4
11 over2720.close