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10 STEWART MANAGO,

11 Plaintiff,

VS.

13 MATTHEW CATE, et al.,

Defendants.

ORDER

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

No. CIV S-11-2891 GGH P

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By order, filed on February 16, 2012, plaintiff in this prisoner civil rights action was granted in forma pauperis status and his original complaint was dismissed with leave to amend. In filings dated February 29, 2012, plaintiff filed another complaint and another application to proceed in forma pauperis. These documents were mistakenly filed in the docket of the instant case at docket entry # 8 and entry # 9, respectively. Docket entry # 8 was misconstrued as a first amended complaint. Thereafter, plaintiff filed an amended complaint on March 19, 2012 (docket # 10), in the instant action which was erroneously construed as a second amended complaint.

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By notice filed on April 4, 2012, plaintiff points out the docketing error, making clear that his filings and docket # 8 and # 9 should have been filed as a new civil rights action and that the amended complaint at docket # 10 is the amended complaint for this action.

Accordingly, IT IS ORDERED that: 1. Pursuant to plaintiff's notice, filed on April 4, 2012, the Clerk of the Court is directed to strike the docket entry at # 8, denominated First Amended Complaint, and the docket entry at # 9, motion to proceed in forma pauperis from the docket of the instant case; 2. The Clerk is further instructed to open a new case, making a random magistrate judge assignment, with the documents at docket entry # 8 and entry # 9; and 3. In the docket of the instant case, the Clerk is to modify docket entry # 10 to note that the amended complaint, filed on March 19, 2012, is the First Amended Complaint in this action. DATED: April 11, 2012 /s/ Gregory G. Hollows
UNITED STATES MAGISTRATE JUDGE GGH:009 mana2891.ord