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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VERNON WAYNE MCNEAL,
Plaintiff,
v.
UNKNOWN,
Defendants.

No. 2:14-cv-2121 KJN P

ORDER

On March 30, 2015, plaintiff filed a response to the March 18, 2015 order dismissing this action without prejudice based on plaintiff's failure to file a complaint or petition as required by this court's September 23, 2014 order. Plaintiff now claims that he filed a civil rights complaint on September 23, 2014, but forgot to put the instant case number on the complaint, and is now confused because his same case has been assigned three different case numbers. (ECF No. 10.)

Plaintiff is advised that the instant action, which did not receive an initial pleading, is now closed. Plaintiff was not assessed a filing fee. No further filings should be made in this closed case.

There is no record of a complaint signed on September 23, 2014, on file in plaintiff's actions in the Eastern District. However, on October 27, 2014, plaintiff's civil rights complaint against defendant Cano, et al., was filed, along with plaintiff's request to proceed in forma pauperis, in Case No. 2:14-cv-2512 DAD. Plaintiff's complaint in this second action was signed

1 by plaintiff on October 23, 2014. Id., ECF No. 1. Plaintiff was not assessed a filing fee. On
2 November 12, 2014, the action was transferred to the Fresno Division of this court. Thus, Case
3 No. 2:14-cv-2512 DAD is closed, and no further filings should be made in that action.

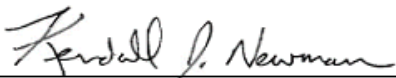
4 On October 17, 2014, Case No. 1:14-cv-1767 DLB was opened in the Fresno Division.
5 By order filed April 7, 2015, plaintiff's complaint was dismissed, and plaintiff was granted leave
6 to file an amended complaint. Id., ECF No. 8. Thus, plaintiff's claims against defendants Cano,
7 et al., are proceeding in Case No. 1:14-cv-1767 DLB, and plaintiff's amended complaint should
8 be filed in such action in the Fresno Division.

9 In his March 30, 2015 response, plaintiff confirms that all three cases pertain to the same
10 case McNeal v. Cano, et al. (ECF No. 10.) Because plaintiff's claims against defendant Cano, et
11 al., pertain to incidents that allegedly occurred at California State Prison Corcoran in Fresno
12 County, plaintiff must pursue those claims in Case No. 1:14-cv-1767 DLB (E.D. Cal. Fresno
13 Div.). As noted above, the court in Fresno has screened plaintiff's complaint, and plaintiff must
14 file an amended complaint in Case No. 1:14-cv-1767 DLB. If plaintiff requires additional time to
15 comply with such order, he must seek an extension of time in the Fresno action.

16 In conclusion, this civil rights action was closed on March 19, 2015. Plaintiff is advised
17 that no orders will issue in response to future filings.

18 IT IS SO ORDERED.

19 Dated: May 14, 2015

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22 KENDALL J. NEWMAN
23 UNITED STATES MAGISTRATE JUDGE

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