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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICK BLACKSHIRE,
Plaintiff,
v.
SACRAMENTO COUNTY,
Defendant.

No. 2:15-cv-1126 KJM CKD PS

ORDER and FINDINGS AND
RECOMMENDATIONS

By order filed August 20, 2015, plaintiff's complaint was dismissed and thirty days leave to file an amended complaint was granted. After the thirty day period expired, plaintiff requested an extension of time to file an amended complaint. The findings and recommendations filed September 24, 2015 will therefore be vacated.¹

It is apparent from plaintiff's recent request for an extension of time that the claims raised in the instant action are duplicative of those raised in an action previously filed by plaintiff, i.e. Blackshire v. Sacramento County Sheriff, 2:15-cv-1123 MCD CKD PS (E.D. Cal.). In both cases, plaintiff claims he was wrongfully incarcerated past a date on which he was due to be released. In the prior action, the District Court has directed appointment of counsel and directed

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¹ Plaintiff's request for extension of time was entered on the docket after entry of the findings and recommendations.

1 that the action will proceed on plaintiff's third amended complaint. Under these circumstances,
2 the instant action should be dismissed as duplicative.

3 Accordingly, IT IS HEREBY ORDERED that:


- 4 1. Plaintiff's request for extension of time (ECF No. 9) is denied as moot;
- 5 2. The findings and recommendations filed September 24, 2015 (ECF No. 8) are vacated;

6 and

7 IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See
8 Fed. R. Civ. P. 41(b).

9 These findings and recommendations are submitted to the United States District Judge
10 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
11 after being served with these findings and recommendations, any party may file written
12 objections with the court and serve a copy on all parties. Such a document should be captioned
13 "Objections to Magistrate Judge's Findings and Recommendations." Failure to file objections
14 within the specified time may waive the right to appeal the District Court's order. Martinez v.
15 Ylst, 951 F.2d 1153 (9th Cir. 1991).

16 Dated: September 29, 2015



17 CAROLYN K. DELANEY
18 UNITED STATES MAGISTRATE JUDGE

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