

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIO DINERO SESSOMS,
Plaintiff,
v.
JOHN PATRICK KELLER, et al.,
Defendants.

No. 2:17-cv-0304 CKD P

ORDER

Plaintiff is a county jail inmate proceeding pro se with a complaint pursuant to 42 U.S.C. § 1983. (ECF No. 1.) He has consented to the jurisdiction of a Magistrate Judge to conduct all proceedings in this action. (ECF No. 4.)

Plaintiff requests leave to proceed in forma pauperis. Since plaintiff has submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a), his request will be granted.

Plaintiff's complaint, filed on February 13, 2017, names as defendants Sacramento detectives involved in the investigation leading up to plaintiff's 2001 murder conviction, vacated in 2015 on habeas review. See Sessoms v. Runnels, No. 2:05-cv-1221 JAM GGH P (E.D. Cal.).

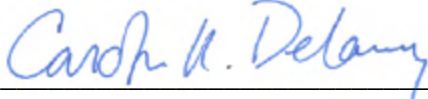
The court's own records reveal that on August 17, 2016, plaintiff filed a civil rights complaint containing similar allegations against defendants Keller, Woods, and other Sacramento police officers. Sessoms v. Keller, No. 16-cv-1943 EFB (E.D. Cal.). That case is still pending. Due to the duplicative nature of the present action, the court will dismiss the complaint.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

In accordance with the above, IT IS HEREBY ORDERED that:

1. Plaintiff's request to proceed in forma pauperis is granted; and
2. This action is dismissed without prejudice. See Fed. R. Civ. P. 41(b).

Dated: March 21, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

2 / sess0304.dupl