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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

OBIE L. CRISP, III,
Plaintiff,
v.
J. BARRETTO, et al.,
Defendants.

No. 2:17-cv-0580 JAM DB P

ORDER

Plaintiff is a state prisoner proceeding pro se with a civil rights action under 42 U.S.C. § 1983. Plaintiff filed his original complaint in this case on March 17, 2017. (ECF No. 1.) On June 20, 2017, plaintiff filed a first amended complaint. (ECF No. 10.) On July 17, 2017, plaintiff filed a document in which he states that the first amended complaint was filed in this action in error. (ECF No. 12.) Plaintiff states that he meant to file a new action with that complaint and wanted to notify the court that the cases are related.

Accordingly, it is HEREBY ORDERED as follows:

1. Plaintiff’s motion (ECF No. 12) to strike the first amended complaint (ECF No. 10) from this action is granted; and
2. The Clerk of the Court is directed to strike the first amended complaint (ECF No. 10) from this action and open a new case with that filing. The new case shall be assigned to the same district judge and magistrate judge as the present case. The docket for that

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new case shall include copies of the first amended complaint (ECF No. 10) and motion to proceed in forma pauperis (ECF No. 11) from the present case.

DATED: July 28, 2017

/s/ DEBORAH BARNES
UNITED STATES MAGISTRATE JUDGE

DLB:9
DLB1/prisoner-civil rights/cris0580.new case