

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

MAURICE ROGERS,
Plaintiff,
v.
NEVADA COUNTY SHERIFF OFFICE,
et al.,
Defendants.

No. 2:17-cv-2119 KJN P

ORDER

Plaintiff is a county inmate, proceeding pro se. On October 12, 2017, plaintiff filed a civil rights complaint, which was filed as a new civil rights action. However, on October 4, 2017, in plaintiff's earlier case, Rogers v. Nevada County, No. 2:17-cv-1162 MCE EFB (E.D. Cal.), plaintiff was directed to file a § 1983 complaint or a § 2254 petition within thirty days. Both cases involve challenges to plaintiff's April 18, 2016 arrest in Nevada County. On November 29, 2017, plaintiff filed objections in case No. 2:17-cv-1162 MCE EFB, stating that he wished to pursue his civil rights complaint in that action. Id. (ECF No. 8.)

Thus, it appears that the instant action was opened in error because plaintiff's civil rights complaint should have been filed in his existing action, No. 2:17-cv-1162 MCE EFB, pursuant to Judge Brennan's order.

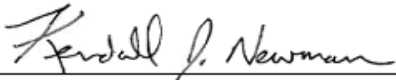
///
///

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

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of the Court shall file plaintiff's complaint (ECF No. 1) in case No. 2:17-cv-1162 MCE EFB; and
2. The Clerk of the Court shall terminate this action.

Dated: December 1, 2017


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

/roge2119.clo