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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LAWRENCE P. HAYES,
Plaintiff,
v.
CHRISTOPHER BECK, et al.,
Defendants.

No. 2:23-cv-02694-WBS-EFB (PC)

ORDER

Plaintiff, a state prisoner proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On May 30, 2024, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has filed objections.


The magistrate judge recommended that the case be dismissed as duplicative of E.D. Cal. Case No. 2:23-cv-02380-DMC. ECF No. 9. Plaintiff informs the court that the Clerk of Court erroneously filed a pleading intended as an amended complaint in that action as a new case (this one). ECF No. 12. Plaintiff agrees that this case should be terminated, as he had no intent to file it in the first place. *Id.*

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The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge’s analysis – the case is duplicative of another, earlier-filed pending case. However, because this case was opened due to administrative error, the court will vacate its order directing collection of the filing fee. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed May 30, 2024 are adopted in full.
2. The court’s order directing collection of the filing fee (ECF No. 10) is VACATED and the Clerk of Court shall refund any money collected pursuant to that order.
3. The Clerk of Court shall serve this order on the court’s financial division.
4. This case be dismissed as erroneously opened.

Dated: August 29, 2024



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE