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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEPHEN CRUMP,)	
)	
Plaintiff(s),)	No. C 06-0481 CRB (PR)
)	
v.)	ORDER OF DISMISSAL
)	
AMY COO, et al.,)	
)	
Defendant(s).)	
_____)	

Plaintiff, a prisoner at the California Men’s Colony in San Luis Obispo, California (“CMC”), has filed a pro se complaint under 42 U.S.C. § 1983 alleging that reception center counselors at San Quentin State Prison (“SQSP”) misclassified him as a mental health needs prisoner and improperly placed him at CMC. Plaintiff raised the same allegations in two prior prisoner complaints, which were dismissed on January 25, 2006. See Crump v. Coo, No. C 06-0267 CRB (PR) (N.D. Cal. Jan. 25, 2006) (order of dismissal); Crump v. Mostafanejad, No. C 06-0268 CRB (PR) (N.D. Cal. Jan. 25, 2006) (same).

A prisoner complaint that merely repeats pending or previously litigated claims may be considered abusive and dismissed under the authority of 28 U.S.C. § 1915A. Cf. Cato v. United States, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995) (citing Bailey v. Johnson, 846 F.2d 1019, 1021 (5th Cir. 1988)) (duplicative in

1 forma pauperis complaint may be considered abusive and dismissed under 28
2 U.S.C. § 1915). Because plaintiff raised and litigated the same allegations and
3 claims raised herein in civil cases 06-0267 and 06-0268, the instant complaint is
4 deemed duplicative and abusive under § 1915A. See id.

5 Plaintiff's request to proceed in forma pauperis is DENIED and the
6 complaint is DISMISSED under the authority of 28 U.S.C. § 1915A(b).

7 The clerk shall enter judgment in accordance with this order and close the
8 file. No fee is due.

9 SO ORDERED.

10 DATED: Jan. 31, 2006

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13 CHARLES R. BREYER
14 United States District Judge
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