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

JEFF S. HARNDEN,

No. C 09-5218 WHA (PR)

Plaintiff,

ORDER OF DISMISSAL

v.

GLOVER; ROBERT AYERS; W.E.
MURRAY; A. SCRIBNER; CHUCK
TWEED; H. LIDDICOTE; V. LOPEZ,

Defendants.

Plaintiff, a California state prisoner proceeding pro se, filed this case civil rights case. The complaint in this matter is an exact copy of the plaintiff filed in prior case that is currently pending in this court, case number C 09-4956 WHA (PR). Duplicative or repetitious litigation of virtually identical causes of action is subject to dismissal under 28 U.S.C. 1915 as malicious. *Bailey v. Johnson*, 846 F.2d 1019, 1021 (5th Cir. 1988). “Dismissal of the duplicative lawsuit, more so than the issuance of a stay or the enjoinder of proceedings, promotes judicial economy and the ‘comprehensive disposition of litigation.’” *Adams v. California*, 487 F.3d 684, 692-93, 694 (9th Cir. 2007) (citation omitted). Further, plaintiff has written on the top of the copy of the complaint filed herein “Original prison stole legal mail.” This appears to indicate that plaintiff was simply sending in another copy of his complaint because he thought the prior copy had not arrived at the court, and that he did not intend for the instant complaint to


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be opened in a new case. As plaintiff's complaint is a copy of a prior complaint filed in an earlier case, this case is **DISMISSED** as duplicative.

The clerk shall close the file.

IT IS SO ORDERED.

Dated: November 30, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE