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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LOUIS CHARLES DANIELS,

No. C 10-415 SI (pr)

Petitioner,

ORDER OF DISMISSAL

v.

ROBERT K. WONG, warden,


Respondent.

_____ /

This action is dismissed because the petition for writ of habeas corpus filed to commence this action duplicates the petition in Daniels v. Wong, No. C 10-565 SI, which is still pending. 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); Cato v. United States, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995). The court dismisses the lower-numbered case because the filing fee already has been paid for the higher-numbered case. The clerk shall close the file.

IT IS SO ORDERED.

DATED: July 30, 2010



SUSAN ILLSTON
United States District Judge

United States District Court
For the Northern District of California