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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 VINCENT E. COFIELD,
12 Plaintiff,

13 v.

14 MOHAMMAD A. ISCANDARI,
15 Defendants.
16

No. C 13-5776 JSW (PR)

ORDER OF DISMISSAL

17 Plaintiff, a California prisoner, has filed this pro se civil rights complaint under 42
18 U.S.C. § 1983. The complaint in this action makes the same claims against the same
19 defendants as the in forma pauperis complaint filed in Plaintiff's earlier case, *Cofield v.*
20 *Iscandari*, No. 13-0915 JSW (PR). In the order granting reconsideration and dismissing
21 that case, the Court explained why Plaintiff's claims are not cognizable. A complaint
22 that merely repeats pending or previously litigated claims may be considered frivolous
23 and dismissed under the authority of 28 U.S.C. § 1915(e). *Cato v. United States*, 70 F.3d
24 1103, 1105 n.2 (9th Cir. 1995). Such a complaint is also subject to dismissal as
25 duplicative. *Bailey v. Johnson*, 846 F.2d 1019, 1021 (5th Cir. 1988).

26 Additionally, Plaintiff was given twenty-eight days from December 13, 2013, in
27 which to pay the filing fee or file a completed application to proceed in forma pauperis.
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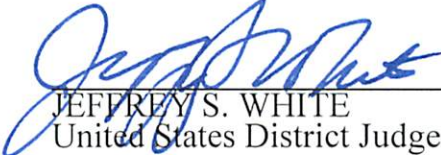
1 He has done neither.

2 He was cautioned that his failure to do so would result in the dismissal of this
3 action. Plaintiff filed a letter (dkt. 7) to Judge Thelton Henderson complaining about the
4 health care services at High Desert State Prison. If Plaintiff wishes to pursue claims on
5 that matter, he may do so in a civil rights complaint in the Eastern District of California,
6 the proper venue for such claims.

7 Accordingly, this action is DISMISSED. The Clerk shall close the file and enter
8 judgment in Defendants' favor.

9 IT IS SO ORDERED.

10 DATED:

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12 JEFFREY S. WHITE
13 United States District Judge
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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VINCENT COFIELD,
Plaintiff,

Case Number: CV13-05776 JSW
CERTIFICATE OF SERVICE

v.

HIGH DESERT STATE PRISON et al,
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on February 6, 2014, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Vincent E. Cofield
#G31012
HDSP
P.O. Box
Susanville, CA 96127

Dated: February 6, 2014

Richard W. Wieking, Clerk
By: Lisa R Clark, Deputy Clerk

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VINCENT COFIELD,
Plaintiff,

Case Number: CV13-05776 JSW
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