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E-Filed 7/10/14

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WILLIE WEAVER,

No. C 14-2493 RS (PR)

Plaintiff,

ORDER OF DISMISSAL;

v.

**ORDER DENYING LEAVE TO
PROCEED IN FORMA PAUPERIS**

FIRST WATCH, et al.,

Defendants.

Plaintiff's allegations that bad air is causing him to cough himself awake at night have been raised in other actions, e.g., *Weaver v. First Watch, et al.*, 14-cv-00005-RS (dismissed for failure to state a claim), *Weaver v. First Watch, et al.*, 14-cv-00453-RS (same), *Weaver v. First Watch, et al.*, 14-cv-00685-RS (dismissed as duplicative), and *Weaver v. Sleep Deprivation, et al.*, 14-cv-01172-RS (same). Accordingly, this civil rights action is DISMISSED with prejudice as duplicative. *Adams v. Cal. Dept. of Health Services*, 487 F.3d 684, 688 (9th Cir. 2007). Plaintiff's application to proceed *in forma pauperis* (Docket No. 3) is DENIED because the action is frivolous, the claims having been raised and rejected in other actions. *Tripathi v. First Nat. Bank & Trust*, 821 F.2d 1368, 1370 (9th Cir. 1987). The Clerk shall enter judgment in favor of defendants, terminate Docket No. 3, and close the file.

IT IS SO ORDERED.

DATED: July 10, 2014



RICHARD SEEBORG
United States District Judge

No. C 14-2493 RS (PR)
ORDER OF DISMISSAL