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E-Filed 7/23/14

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WILLIE WEAVER,
Plaintiff,

v.

WARDEN GREG LEWIS, et al.,
Defendants.

No. C 14-2771 RS (PR)

**ORDER OF DISMISSAL;
ORDER DENYING LEAVE TO
PROCEED IN FORMA PAUPERIS**

United States District Court
For the Northern District of California

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), *Weaver v. Sleep Deprivation, et al.*, 14-cv-01172-RS (same), and *Weaver v. First Watch*, 14-cv-02493-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. 5) is DENIED because the action is frivolous, the claims having been raised and rejected in other actions. *Tripati 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. 5, and close the file.

IT IS SO ORDERED.

DATED: July 23, 2014


RICHARD SEEBORG
United States District Judge

No. C 14-2771 RS (PR)
ORDER OF DISMISSAL