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4 UNITED STATES DISTRICT COURT  
5 NORTHERN DISTRICT OF CALIFORNIA  
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7 RONNIE LEE MOODY,  
8 Plaintiff,  
9 v.  
10 CHIBA, et al.,  
11 Defendants.

Case No. [15-cv-05869-JSC](#)

**ORDER OF DISMISSAL**

12 Plaintiff, a California prisoner, has filed this pro se civil rights complaint under 42 U.S.C.  
13 § 1983, along with an application to proceed in forma pauperis. The complaint makes the same  
14 claims of excessive force against officers at the San Francisco County Jail as the in forma pauperis  
15 complaint that Plaintiff filed in his earlier case, *Moody v. Simms, et al.*, No. C 15-4198 JSC (PR).  
16 Plaintiff's earlier case is currently pending. An in forma pauperis complaint that is duplicative  
17 insofar as it merely repeats claims raised in a prior case, like the complaint herein, may be  
18 considered abusive and dismissed under the authority of section 1915(e). *Cato v. United States*,  
19 70 F.3d 1103, 1105 n.2 (9th Cir. 1995); *see also Bailey v. Johnson*, 846 F.2d 1019, 1021 (5th Cir.  
20 1988) (same). Any claims Plaintiff wishes to raise arising out of the events alleged in Plaintiff's  
21 earlier case must be raised in that case, not in a complaint filed in a new case. Accordingly, this  
22 action is DISMISSED.

23 The Clerk shall close the file and enter judgment.

24 **IT IS SO ORDERED.**

25 Dated: January 26, 2016

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28 JACQUELINE SCOTT CORLEY  
United States Magistrate Judge