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28IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSEPH GEORGE,

Plaintiff,

v.

JOHN DOE,

Defendant.

No. C 07-03697 CW (PR)

ORDER OF DISMISSAL

Plaintiff, a state prisoner, filed the instant pro se prisoner complaint under 42 U.S.C. § 1983. Plaintiff raised the same allegations in another pending prisoner complaint filed in this Court. See George v. Doe, No. C 07-3674 CW (PR).

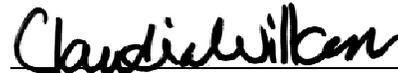
A prisoner complaint that merely repeats pending litigated claims may be considered abusive and dismissed under the authority of 28 U.S.C. § 1915A. Cf. Cato v. United States, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995) (citing Bailey v. Johnson, 846 F.2d 1019, 1021 (5th Cir. 1988)) (duplicative in forma pauperis complaints may be considered abusive and dismissed under 28 U.S.C. § 1915). Therefore, the instant complaint is deemed duplicative and abusive under § 1915A.

1 Plaintiff's request to proceed in forma pauperis is DENIED and
2 the complaint is DISMISSED under the authority of 28 U.S.C.
3 § 1915A(b).

4 The Clerk of the Court shall enter judgment in accordance with
5 this Order, terminate all pending motions, and close the file. No
6 filing fee is due.

7 IT IS SO ORDERED.

8 Dated: 8/1/07



9 CLAUDIA WILKEN
10 UNITED STATES DISTRICT JUDGE

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United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH GEORGE,

Case Number: CV07-03697 CW

Plaintiff,

CERTIFICATE OF SERVICE

v.

/ 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 August 1, 2007, 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.

Joseph A. George T-79867
Pelican Bay State Prison
P.O. Box 7500
Crescent City, CA 95532

Dated: August 1, 2007

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk

United States District Court
For the Northern District of California

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