

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE NORTHERN DISTRICT OF CALIFORNIA

3 GREGORY PERRY,

No. C 10-2593 SBA (PR)

4 Plaintiff,

ORDER OF DISMISSAL

5 v.

6 SUSAN PIDO, et al.,

7 Defendants.
8 _____/

9 GREGORY PERRY,

No. C 10-2712 SBA (PR)

10 Plaintiff,

ORDER OF DISMISSAL

11 v.

12 J. CLARK KELSO, SUSAN PIDO, et al.,

13 Defendants.
14 _____/

15 These two actions were opened in error when the Court received civil rights complaint forms
16 from Plaintiff that were intended to be filed in a previously-filed action -- Case No. C 10-2548 SBA
17 (PR).

18 In Case No. C 10-2593 SBA (PR), Plaintiff completed and filed a first amended civil rights
19 complaint; however, he did not indicate that it was to be filed in Case No. C 10-2548 SBA (PR).
20 Therefore, as mentioned above, it was opened as a new action. Plaintiff has also filed a motion for
21 appointment of counsel in Case No. C 10-2593 SBA (PR).

22 In Case No. C 10-2712 SBA (PR), Plaintiff also filed a second amended civil rights
23 complaint; however, he did not indicate that it was to be filed in Case No. C 10-2548 SBA (PR).
24 Therefore, as mentioned above, it was also opened as a new action.

25 Plaintiff currently has these three separate civil rights actions pending relating to the same
26 alleged constitutional violations, although he meant to file only one action.¹ Accordingly, the Clerk

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28 ¹ Plaintiff has a fourth civil rights action also pending before this Court -- Perry v. Thornton,
Case No. C 10-2682 SBA (PR). However, in that fourth action, Plaintiff raises different claims of
alleged constitutional violations that are unrelated to the three above-referenced actions.

1 is directed to remove Plaintiff's civil rights complaint forms from Case Nos. C 10-2593 SBA (PR)
2 and C 10-2712 SBA (PR), and to file them in his previously-filed action, Case No. C 10-2548 SBA
3 (PR). The Clerk shall docket the complaint from Case No. C 10-2593 SBA (PR) as Plaintiff's "First
4 Amended Complaint." The Clerk is directed to mark it as filed on June 11, 2010, the date it was
5 received by the Court. The Clerk shall docket the complaint from Case No. C 10-2712 SBA (PR) as
6 Plaintiff's "Second Amended Complaint." The Clerk is directed to mark it as filed on June 22, 2010,
7 the date it was received by the Court. The Clerk shall to mark the document labeled as "Amended
8 Complaint" in Case No. C 10-2548 SBA (PR), as the "Supplement to Second Amended Complaint."²
9 Finally, the Clerk is directed to remove Plaintiff's motion for appointment of counsel (docket no. 3
10 in Case No. C 10-2593 SBA (PR)) from Case No. C 10-2593 SBA (PR), and to mark it as filed on
11 June 11, 2010, the date it was received by the Court.

12 The Court will review Plaintiff's "Second Amended Complaint" and his motion for
13 appointment of counsel in a separate written Order in Case No. C 10-2548 SBA (PR).

14 Case Nos. C 10-2593 SBA (PR) and C 10-2712 SBA (PR) are DISMISSED because they
15 were opened in error. Plaintiff's in forma pauperis applications in Case Nos. C 10-2593 SBA (PR)
16 and C 10-2712 SBA (PR) are DENIED as moot. No filing fee is due. The Clerk shall close the files
17 in Case Nos. C 10-2593 SBA (PR) and C 10-2712 SBA (PR).

18 IT IS SO ORDERED.

19 DATED: 7/1/10


SAUNDRA BROWN ARMSTRONG
United States District Judge

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27 ² Plaintiff signed his "Second Amended Complaint" (which was opened on June 22, 2010 as
28 a new action in Case No. C 10-2712 SBA (PR)) on June 13, 2010. He then signed the "Supplement to
Second Amended Complaint" on June 15, 2010; therefore, the Court assumes that he intended for it to
be filed as a supplement to his "Second Amended Complaint."

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 GREGORY PERRY,
5 Plaintiff,

Case Number: CV10-02593 SBA

CERTIFICATE OF SERVICE

6 v.

7 SUSAN PIDO et al,
8 Defendant.

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

11 That on July 20, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said
12 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said
13 envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
14 located in the Clerk's office.

15 Gregory Perry E-15943
16 Salinas Valley State Prison
17 Facility B B4-220 Low
18 P.O. Box 1050
19 Soledad, CA 93960-1060

20 Dated: July 20, 2010

21 Richard W. Wieking, Clerk
22 By: LISA R CLARK, Deputy Clerk
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