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United States District Court
For the Northern District of California

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

MARCUS RUBEN ELLINGTON,)	No. C 11-01507 JW (PR)
Plaintiff,)	ORDER OF DISMISSAL
vs.)	
STATE OF CALIFORNIA, et al.,)	
Defendants.)	
_____)	

Plaintiff filed a pro se civil rights complaint pursuant to 42 U.S.C. § 1983. Plaintiff has also filed an application to proceed in forma pauperis, (Docket No. 3), and a motion for preliminary injunction, (Docket No. 4).

Plaintiff's complaint appears identical to the complaint filed in a prior case before this Court: Case No. C 11-00287 JW (PR), which is currently pending in this Court. Therefore, the instant case is DISMISSED as duplicative of plaintiff's earlier filed complaint.

The clerk shall terminate all pending motions as moot.

DATED: April 21, 2011



JAMES WARE
United States District Chief Judge

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

MARCUS RUBEN ELLINGTON,
Plaintiff,

Case Number: CV11-01507 JW

CERTIFICATE OF SERVICE

v.

STATE OF CALIFORNIA, et al.,
Defendants.

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 4/22/2011, 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.

Marcus Ruben Ellington E-44837
Salinas Valley State Prison
P. O. Box 1050
Soledad, CA 93960

Dated: 4/22/2011

Richard W. Wieking, Clerk
/s/ By: Elizabeth Garcia, Deputy Clerk