

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01346-BNB

TROY LAWRENCE SR.,

Applicant,

v.

JOHN C. OLIVER,

Respondent.

ORDER OF DISMISSAL

Applicant, Troy Lawrence Sr., is a prisoner in the custody of the Federal Bureau of Prisons at the United States Penitentiary at Florence, Colorado. On May 14, 2014, Applicant initiated this action by filing *pro se* an Application for a Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2241. Applicant also paid the \$5 filing fee.

Magistrate Judge Boyd N. Boland reviewed the Application and determined that Applicant had stated the identical allegations in another case that he initiated in the United States District Court for the Western District of Louisiana on January 6, 2014. *See Lawrence v. Oliver*, No. 14-cv-00011-DDD-JDK (W.D. La. Filed June 11, 2014). In Case No. 14-cv-00011-DDD-JDK, Applicant claimed his due process rights were violated in Incident Report (IR) No. 2425255 because neither he nor his staff representative were allowed to attend his disciplinary hearing. The claims asserted in the instant action are repetitive of Applicant's claims in Case No. 14-cv-00011-DDD-

JDK.

Magistrate Judge Boland ordered Applicant to show cause why this action should not be dismissed as repetitious. Repetitious litigation of virtually identical causes of action may be dismissed as frivolous or malicious. See *Bailey v. Johnson*, 846 F.2d 1019, 1021 (5th Cir. 1988) (per curiam); *Van Meter v. Morgan*, 518 F.2d 366, 368 (8th Cir. 1975) (per curiam). Applicant responded on June 13, 2014, and stated that he had incorrectly filed Case No. 14-cv-00011-DDD-JDK in the Western District of Louisiana, but the Western District denied his request to transfer the case to this Court. Subsequently, on June 11, 2014, the Western District of Louisiana transferred Case No. 14-cv-00011-DDD-JDK to this Court. This action, therefore will be dismissed as moot. Accordingly, it is

ORDERED that the Clerk of the Court is directed to close this action. The Application is denied and the action dismissed without prejudice as moot. It is

FURTHER ORDERED that the Clerk of the Court is directed to file in Case No. 14-cv-01648-BNB a copy of ECF No. 1 from this case.

DATED June 20, 2014, at Denver, Colorado.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, Senior Judge
United States District Court