

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDACASE NO. 10-20577-CIV-LENARD  
MAGISTRATE JUDGE P. A. WHITE

OLIVER THOMAS,	:	
	:	
Petitioner,	:	
	:	
v.	:	<u>REPORT OF</u>
	:	<u>MAGISTRATE JUDGE</u>
STATE OF FLORIDA,	:	
	:	
Respondent.	:	

---

The pro-se petitioner, Oliver Thomas, filed a petition for writ of habeas corpus on February 24, 2010, case no. 10-20577-Civ-Lenard. The petition was signed under penalty of perjury on February 16, 2010.

This case is a duplicate of a higher numbered case, 10-20621-Civ-Jordan, signed under penalty of perjury on the same date, February 16, 2010, but filed on March 2, 1010.

Ordinarily, the case filed on the later date, and with a higher number would be dismissed. However, in this case, the higher numbered case contains a motion to proceed in forma pauperis and a memorandum of law. To avoid further duplication, it is less complicated to dismiss the low numbered case. As both petitions were signed on the same day, the statute of limitations will not be affected.

It is therefore recommended that this lower numbered case be dismissed as duplicative.

Dated this 4<sup>th</sup> day of March, 2010.

  
UNITED STATES MAGISTRATE JUDGE

cc: Oliver Thomas, Pro Se  
M34440  
NWFRC  
Address of Record