

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

OLIVER THOMAS, :
Petitioner, :
v. : REPORT OF
STATE OF FLORIDA, : MAGISTRATE JUDGE
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 4th day of March, 2010.



UNITED STATES MAGISTRATE JUDGE

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