

which the Court later severed into Case No. 09-474. Accordingly, the instant action should be dismissed as duplicative of Rocha's action in Case No. 09-474.

IT IS HEREBY ORDERED that the Clerk of Court is **DIRECTED** to file the complaint in this action (Doc. 1) and the supplement to the complaint filed in this action (Doc. 5) as an amended complaint and a supplement to the complaint, respectively, in Case No. 09-474.

Additionally, the Clerk of Court is **DIRECTED** to file Rocha's motion for appointment of counsel in this action (Doc. 3) as a motion for appointment of counsel in Case No. 09-474.

Because Rocha will be granted leave to proceed *in forma pauperis* in Case No. 09-474, the motion to proceed *in forma pauperis* in this case (Doc. 2) is **DENIED** as moot.

Rocha is **ADVISED** that all future documents and pleadings concerning his claim against Dr. Feinerman should be filed in Case No. 09-474, not the instant case. The Clerk of Court is **DIRECTED** to **CLOSE THIS CASE**.

IT IS SO ORDERED.

DATED: 6/30/09

s/ *G. Patrick Murphy*
G. Patrick Murphy
United States District Judge