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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

REO BOREN,)	
)	
Plaintiff,)	3:09-cv-00473-RCJ-VPC
)	
vs.)	
)	ORDER
McDANIEL, <i>et al.</i> ,)	
)	
Defendants.)	
	/	

This is a *pro se* prisoner civil rights complaint filed pursuant to 42 U.S.C. § 1983. On September 3, 2009, plaintiff submitted an amended civil rights complaint. (Docket #4). By order filed March 26, 2010, the Court granted plaintiff’s application to proceed *in forma pauperis*. (Docket #8). On April 7, and April 21, 2010, plaintiff filed letters informing the Court that he already has a civil rights lawsuit against defendant McDaniel, at case number 3:09-cv-00731-HDM-RAM, and that he did not intend to file another lawsuit regarding the same allegations. Court records indicate that plaintiff does indeed have another lawsuit under the case number 3:09-cv-00731-HDM-RAM, alleging the same facts as this action. The lawsuit in 3:09-cv-00731-HDM-RAM is currently proceeding. It appears that the instant action was opened in error by the Clerk of Court. Because plaintiff is litigating his claims in case number 3:09-cv-00731-HDM-RAM, the instant action will be dismissed. In addition, the order granting *in forma pauperis* status in the instant action will be vacated, as this action was opened in error.

IT IS THEREFORE ORDERED that the order granting *in forma pauperis* status in this action (Docket #8) is **VACATED**. Plaintiff is not responsible for paying the initial partial filing fee for

1 this action or future installment payments of the filing fee.

2 **IT IS FURTHER ORDERED** that the Clerk shall send a copy of this order to the
3 attention of **Albert G. Peralta, Chief of Inmate Services for the Nevada Department of Prisons, P.O.**
4 Box 7011, Carson City, NV 89702.

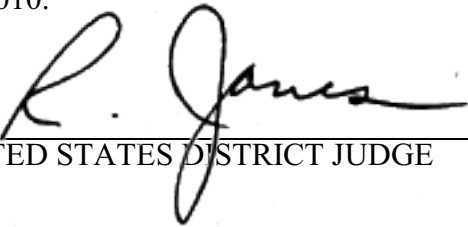
5 **IT IS FURTHER ORDERED** that the instant action is **DISMISSED** with prejudice.

6 **IT IS FURTHER ORDERED** that the Clerk shall enter judgment accordingly.

7 DATED this 19th day of October, 2010.

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UNITED STATES DISTRICT JUDGE

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