

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

SANFORD WILLIAMS, JR.,	:	
	:	Civil Action No. 09-4297 (FLW)
Plaintiff,	:	
	:	
v.	:	ORDER
	:	
THOMAS J. CHIRICHELLA,	:	
et al.,	:	
	:	
Defendants.	:	

This matter has come before the Court upon the submission of a Complaint pursuant to 42 U.S.C. § 1983 and an application for leave to proceed in forma pauperis pursuant to 28 U.S.C. to 1915.

It appearing that:

Plaintiff had opened, previously, a civil action asserting claims arising out of the same prosecution, see Williams v. Hebbon, Civil No. 09-2103 (AET) (D.N.J.); and it further appearing that

As of August 18, 2009, the date of this Complaint, this Court had administratively terminated Williams v. Hebbon, Civil No. 09-2103, and had granted Plaintiff leave to move to re-open by filing a proposed amended complaint; and it further appearing that

As of August 18, 2009, the date of this Complaint, Plaintiff had begun the process of applying to reopen Williams v. Hebbon, Civil No. 09-2103, by submitting an application for leave to proceed in forma pauperis in that action, and on October 13,

2009, Plaintiff submitted a proposed amended complaint in Williams v. Hebbon, Civil No. 09-2103, which asserted the same claims asserted here against the same defendants named here, as well as against one additional defendant; and it further appearing that

A plaintiff has no right to maintain two separate actions against the same defendants, involving the same subject matter, in the same court at the same time, see Walton v. Eaton Corp., 563 F.3d 66 (3d Cir. 1977) (no right to maintain two virtually indistinguishable civil actions in same court at same time);

And this Court finding that the Complaint in this Civil Action No. 09-4279 (FLW) is duplicative of the proposed amended complaint filed in the pre-existing Civil Action No. 09-2103 (AET) and should not be filed as a separate complaint;

IT IS on this 18th day of February, 2010,

ORDERED that this Civil Action No. 09-4279 (FLW) is ADMINISTRATIVELY TERMINATED as duplicative; and it is further

ORDERED that the Clerk of the Court is directed to close the Court's file in this Civil Action No. 09-4279 (FLW) without filing the Complaint or assessing a filing fee; and it is further

ORDERED that a copy of this Order shall be docketed in Civil Action No. 09-2103 (AET) for informational purposes only; and it is further

ORDERED that a copy of the Complaint in this Civil action No. 09-4279 shall be docketed in the pre-existing Civil Action No. 09-2103 as a "Supplemental Amended Complaint."

s/Freda L. Wolfson
Freda L. Wolfson
United States District Judge