

-PS-O-

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

FRANCIS AULETA, 98A7293,
a practicing Shaman also known as
Ravenhawk, also known as
Blackhawk,

Plaintiff,

-v-

11-CV-6022L

ORDER

VALERIE SULLIVAN,
Deputy Superintendent of Programs;
LAWRENCE LUCAS,
Coordinating Chaplain;
DOE OR DOES, CENTRAL OFFICE REVIEW
COMMITTEE MEMBERS,
in their individual and official
capacities;
TONI LOGE,
an Assistant Attorney General,
solely in her Individual Capacity; and
THE UNITED STATES DEPARTMENT OF JUSTICE,
CIVIL RIGHTS DIVISION,
an interested party,

Defendants.

Plaintiff, who is proceeding pro se and is incarcerated in the Livingston Correctional Facility, has filed a complaint seeking relief pursuant to 42 U.S.C. § 1983 and the Religious Land Use and Institutional Persons Act of 2000, 42 U.S.C. § 2000cc et seq. Plaintiff has also filed a motion for leave to proceed in forma pauperis in this action.

Plaintiff has pending a related action in the Court, Civil Action No. 09-CV-6612L(P). Plaintiff's complaint filed in 11-CV-

6022L will be deemed a motion to supplement the amended complaint in Civil Action Number 09-CV-6612L(P). Civil Action No. 11-CV-6022L is dismissed as filed in error.

The Clerk of the Court is directed to close this action and file the complaint herein as a motion to supplement the amended complaint in Civil Action Number 09-CV-6612L(P).

This Court has already sent plaintiff's signed authorization form to Livingston Correctional Facility requesting payment of the filing fee in this action from the plaintiff's inmate account. The Pro Se Office is directed to advise Livingston Correctional Facility that this case was opened in error and to send the prison a copy of this Order. Livingston Correctional Facility is to stop deducting and sending any funds to this Court from the plaintiff's inmate account for Civil Action Number 11-CV-6022L and is to reimburse the inmate account for any funds being held. This Court will return any funds received from the plaintiff's inmate account for Civil Action Number 11-CV-6022L.

SO ORDERED.

S/ MICHAEL A. TELESKA
MICHAEL A. TELESKA
United States District Judge

Dated: January 31, 2011
Rochester, New York