

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ROSALBA C. VASQUEZ :
 :
V. : PRISONER
 : Case No. 3:10cv1651 (RNC)
 :
WARDEN BAIRD, et al. :

RULING AND ORDER

Petitioner moves pursuant to 28 U.S.C. § 1915 for leave to proceed in forma pauperis in this habeas corpus action (doc. 2). A habeas petitioner is permitted to proceed in forma pauperis if the burden of paying the fees for filing and service would either hamper the petitioner's ability to obtain the necessities of life or force her to abandon the action. Adkins v. E.I. Du Pont de Nemours & Co., 335 U.S. 331, 339-40 (1948); Potnick v. Easter State Hosp., 701 F.2d 243, 244 (2d Cir. 1983). Petitioner has not made this showing. Her inmate account statement shows that she has sufficient funds to pay for filing and service. Accordingly, the motion to proceed in forma pauperis is hereby denied.

Petitioner filed this action on October 19, 2010. Prior to that, she filed a petition seeking the same relief in the United States District Court for the Southern District of New York. The New York petition has been transferred to this Court and is now pending here in docket number 3:10-CV-2055. There is no need for petitioner to have two duplicative petitions pending in this Court. See Curtis v. Citibank, N.A., 226 F.3d 133, 138 (2d Cir.

2000) (district court may dismiss a suit that is duplicative of another federal suit as part of the court's general power to administer its docket). Because the other petition was filed first, it takes precedence over the present petition, which is therefore dismissed.

So ordered this 16th day of February 2011.

/s/
Robert N. Chatigny
United States District Judge