

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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RAFAEL DURAN,

Plaintiff,

-against-

JOHN J. CALLAHAN, ACTING COMMISSIONER,
SOCIAL SECURITY ADMINISTRATION,

Defendant.
-----x

97 CV 3390

MEMORANDUM
AND
ORDER

RAFAEL DURAN
96-02 57TH Avenue Apt. 5L
Corona, New York 11368
plaintiff pro se.

ZACHARY W. CARTER, United States Attorney
Eastern District of New York
One Pierrepont Plaza
Brooklyn, New York 11201
for defendant.

NICKERSON, District Judge:

Plaintiff filed this action pro se on June 9, 1997 to review the final determination of the Commissioner of the Social Security denying his claim for Supplemental Security Income and/or Disability Insurance benefits. But plaintiff, through counsel, has already filed an action to review the Commissioner's determination. That action, docket number 97 CV 3329, was filed on June 6, 1997. Because the complaints in both actions appear to seek the same

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relief, the instant action, docket number 97 CV 3390,
is dismissed without prejudice.

So ordered.

Dated: Brooklyn, New York
June 13, 1997


Eugene H. Nickerson
Eugene H. Nickerson, U.S.D.J.