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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

AMANDA U. AJULUCHUKU,

Plaintiff,

No. 2:12-cv-2815 GEB KJN PS

vs.

CHASE BANK,

Defendant.

FINDINGS AND RECOMMENDATIONS

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Plaintiff Amanda U. Ajuluchuku, proceeding in this action without counsel, has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. (Dkt. No. 2.)<sup>1</sup> Pursuant to 28 U.S.C. § 1915(e)(2), the court is directed to dismiss the case at any time if it determines that the allegation of poverty is untrue, or if the action is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against an immune defendant.

In this action, plaintiff alleges that around December 31, 2010, she visited defendant’s bank to open a business checking account, but that defendant’s staff refused to open an account and chased her out of the bank. (Dkt. No. 1 at 2.) Plaintiff asserts that she was

<sup>1</sup> This action proceeds before the undersigned pursuant to E.D. Cal. L.R. 302(c)(21) and 28 U.S.C. § 636(b)(1).

1 discriminated against on the basis of her race, color, sex, national origin, and physical disability,  
2 and alleges claims under numerous federal statutes, including Title VII the Civil Rights Act of  
3 1964, the Age Discrimination in Employment Act, and the Americans with Disabilities Act. (Id.)

4           However, this complaint is virtually identical to the complaint filed on August 21,  
5 2012 in Ajuluchuku v. Chase Bank, No. 12-cv-2173 MCE CKD, Dkt. No. 1. The earlier case  
6 also concerns defendant Chase’s refusal to open a business checking account for plaintiff around  
7 December 31, 2010, and similarly alleges discrimination based on race, color, sex, national  
8 origin, and physical disability. (Id.) This action is therefore duplicative of plaintiff’s previously-  
9 filed action, and the court thus recommends that the action be dismissed on that basis.<sup>2</sup>

10           Accordingly IT IS HEREBY RECOMMENDED that:

- 11           1. The action be dismissed as duplicative.
- 12           2. Plaintiff’s request to proceed in forma pauperis (dkt. no. 2) be denied as moot.
- 13           3. The Clerk of Court be directed to close this case and vacate all dates.

14           These findings and recommendations are submitted to the United States District  
15 Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen  
16 (14) days after being served with these findings and recommendations, any party may file written  
17 objections with the court and serve a copy on all parties. Such a document should be captioned  
18 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections  
19 shall be served on all parties and filed with the court within fourteen (14) days after service of the  
20 objections. The parties are advised that failure to file objections within the specified time may  
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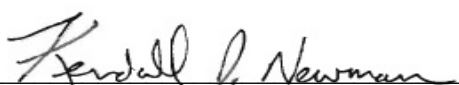
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22           <sup>2</sup> On October 9, 2012, the earlier case was transferred to the Central District of California  
23 based on improper venue in the Eastern District of California. (Ajuluchuku v. Chase Bank, No.  
24 12-cv-2173 MCE CKD, Dkt. No. 4.) It appears that the instant action would also be more  
25 appropriately brought in the Central District of California for the same reasons outlined in the  
26 October 9, 2012 order in the prior action. (Id.) Defendant Chase Bank has locations all over the  
United States, plaintiff resides in Beverly Hills, California, and the alleged acts giving rise to the  
claim occurred at defendant’s bank in Los Angeles, California. (Dkt. No. 1.) Nevertheless, in  
light of the court’s conclusion that this action is duplicative, transfer of venue is not warranted.

1 waive the right to appeal the District Court's order. Turner v. Duncan, 158 F.3d 449, 455 (9th  
2 Cir. 1998); Martinez v. Ylst, 951 F.2d 1153, 1156-57 (9th Cir. 1991).

3 DATED: November 21, 2012

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE