



1 cv-2579 JAM AC; or to request to voluntarily dismiss this action. (ECF No. 7.) On June 23,  
2 2016, plaintiff filed an amended complaint.

3 The court has reviewed the amended complaint and finds that plaintiff has again raised  
4 allegations concerning the hole on his tail bone resulting from the cancer treatment, which  
5 allegation was raised in the earlier-filed action, 2:15-cv-2579 JAM AC. On May 11, 2016,  
6 plaintiff filed an amended complaint in 2:15-cv-2579 JAM AC, in which he names Dr. Green and  
7 alleges he is not receiving medical treatment for the hole in his tail bone. Id. Plaintiff's request  
8 to further amend his pleading in 2:15-cv-2579 JAM AC is presently pending. Id. It is unclear  
9 whether plaintiff intended the instant amended complaint to be filed in this action, or whether he  
10 intended to submit it in 2:15-cv-2579 JAM AC.<sup>1</sup>


11 In any event, the instant action is duplicative of plaintiff's earlier-filed action and is  
12 summarily dismissed. As plaintiff was previously informed, he must file all of his Eighth  
13 Amendment claims arising from defendants' alleged failure to properly treat the hole in his  
14 tailbone resulting from his cancer in one action. Plaintiff shall include Case No. 2:15-cv-2579  
15 JAM AC on all future filings.

16 Accordingly, IT IS HEREBY ORDERED that:

- 17 1. Plaintiff's request to proceed in forma pauperis is granted;  
18 2. In light of plaintiff's consent, the May 10, 2016 recommendations (ECF No. 4) are  
19 vacated; and  
20 3. This action is dismissed without prejudice. See Fed. R. Civ. P. 41(b).

21 Dated: July 19, 2016

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

<sup>1</sup> The case number written on the first page of plaintiff's filing differs from plaintiff's handwriting in the body of the amended complaint. (Compare ECF No. 8 at 1 with ECF No. 8 at 2-3.)