## 1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 EDWARD BRIDGEMAN. No. 2:16-cy-0927 KJN P 12 Plaintiff, 13 **ORDER** v. 14 R. FOX, et al., 15 Defendants. 16 17 Plaintiff is a state prisoner, proceeding pro se. Plaintiff seeks relief pursuant to 42 U.S.C. 18 § 1983, and has requested leave to proceed in forma pauperis. Plaintiff consented to proceed 19 before the undersigned for all purposes. See 28 U.S.C. § 636(c). 20 Plaintiff submitted a declaration that makes the showing required by 28 U.S.C. § 1915(a). 21 Accordingly, the request to proceed in forma pauperis is granted. However, the court will not 22 require payment of the filing fee at this time; rather, the court summarily dismisses the complaint. 23 On May 10, 2016, the undersigned found that on December 14, 2015, plaintiff filed 24 a complaint containing virtually identical allegations. (Case No. 2:15-cv-2579 JAM AC.) 25 Plaintiff sought an extension of time in which to file an amended complaint. (ECF No. 6.) On 26 June 13, 2016, plaintiff was provided three options: to file objections to the May 10, 2016 27 findings; to file an amended complaint that does not include allegations raised in Case No. 2:15-28

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

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

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

## Accordingly, IT IS HEREBY ORDERED that:

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

Dated: July 19, 2016

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UNITED STATES MAGISTRATE JUDGE

The case number written on the first page of plaintiff's filing differs from plaintiff's 27 handwriting in the body of the amended complaint. (Compare ECF No. 8 at 1 with ECF No. 8 at 28 2-3.)