

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

United States Court of Appeals
Fifth Circuit

FILED

November 3, 2008

No. 08-20485
Summary Calendar

Charles R. Fulbruge III
Clerk

DEMARIO WALKER

Plaintiff - Appellant

v.

UNITED STATES OF AMERICA; ATTORNEY GENERAL OF TEXAS;
President GEORGE W BUSH; GOVERNOR OF TEXAS; UNITED STATES
ARMY

Defendants - Appellees

Appeal from the United States District Court for the
Southern District of Texas
USDC No. 4:08-CV-1555

Before SMITH, STEWART, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Plaintiff-Appellant Demario Walker, a Mississippi Department of Corrections inmate, filed a civil rights action under 42 U.S.C. § 1983 in the U.S. District Court for the Southern District of Texas on May 16, 2008. Walker, proceeding pro se and in forma pauperis, challenged the federal Defense of

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

Marriage Act and the Army's "don't ask–don't tell" policy, complaining that his rights to due process and equal protection were violated.

On May 12, 2008 – four days before this suit was filed – Walker had filed another suit raising identical claims against the same defendants in the U. S. District Court for the Western District of Texas, Civil Action 1:08cv0381. Walker concedes that the complaint in the present suit was a photocopy of his earlier complaint filed in the Western District of Texas. The second complaint, the one filed in the Southern District of Texas, was dismissed.

A district court may dismiss a complaint that is duplicative of another federal lawsuit filed by the same plaintiff. *Pittman v. Moore*, 980 F.2d 994, 995 (5th Cir. 1993). There certainly is such duplication here. Consequently, the district court did not err in dismissing what was Walker's second complaint on the same matter.

We AFFIRM.