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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8 Michael A. Leon,
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10 Plaintiff,

11 v.

12 Meggitt PLC, et al.,
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Defendant.

No. CV-13-00673--CKJ

ORDER

14 On June 26, 2013, Plaintiff filed a *pro se* Complaint against Meggitt PLC alleging
15 negligent and intentional infliction of emotional distress, libel, slander, and invasion of
16 privacy false light in the District of Columbia. (Doc. 1). Additionally, Plaintiff filed a
17 Motion for Leave to Proceed *In Forma Pauperis*, (Doc. 2) and a Motion for Permission
18 to E-File. (Doc. 3).

19 On July 19, 2013, Plaintiff's case was transferred to the District of Arizona. (Doc.
20 5). Pursuant to the transfer order, the case was transferred because the alleged
21 wrongdoing occurred in Arizona and Plaintiff had filed an identical complaint in the
22 District of Arizona. (Doc. 4). After the case was transferred, Plaintiff filed another
23 Motion for Permission to E-File, (Doc. 8) and a Motion to Issue Summons to Effect
24 Service of Process. (Doc. 9).

25 Before commencing this case, Plaintiff filed a prior case, *Leon v. Meggitt PLC*,
26 No. 4:13-cv-0287-TUC-JGZ, which is also pending in the District of Arizona.

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28 *I. Screening of Complaint*

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This Court is required to dismiss a case if the Court determines that the allegation of poverty is untrue, 28 U.S.C. § 1915(e)(2)(A), or if the Court determines that the action "(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief." 28 U.S.C. § 1915(e)(2)(B).

II. A Duplicative Action Must Be Dismissed

An *in forma pauperis* complaint that merely repeats pending or previously litigated claims may be considered abusive and dismissed under 28 U.S.C. § 1915(e). *Cato v. United States*, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995); *see also McWilliams v. State of Colorado*, 121 F.3d 573, 574 (11th Cir. 1997) (repetitious action may be dismissed as frivolous or malicious); *Aziz v. Burrows*, 976 F.2d 1158 (9th Cir. 1992) (“district courts may dismiss a duplicative complaint raising issues directly related to issues in another pending action brought by the same party”); *Bailey v. Johnson*, 846 F.2d 1019, 1021 (5th Cir. 1988) (repetitious litigation of virtually identical causes of action is subject to dismissal as malicious).

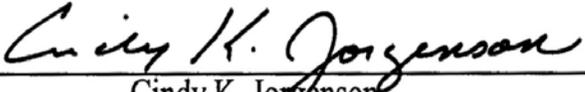
Accordingly, IT IS ORDERED:

1. Plaintiff’s *pro se* Complaint and this action are dismissed as duplicative of 4:13-cv-0287-TUC-JGZ. (Doc. 1).
2. Plaintiff’s Motion for Leave to Proceed *In Forma Pauperis*, (Doc. 2), Plaintiff’s two Motions for Permission to E-File, (Docs. 3, 8), and Plaintiff’s Motion to Issue Summons to Effect Service of Process, (Doc. 9) are denied as moot.

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3. The Clerk of Court must enter judgment accordingly and close its file in this matter.

Dated this 2nd day of August, 2013.



Cindy K. Jorgenson
United States District Judge