

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 17-2639-FMO (AGR) CV 18-4050-FMO (AGR)	Date	June 8, 2018
Title	Charles Keller Cooper Jr. v. Sgt. Toms, et al. Charles Keller Cooper Jr. v. LASD Sgt. Brown, et al.		

Present: The Honorable	Fernando M. Olguin, United States District Judge		
Vanessa Figueroa	None	None	
Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	
None		None	

Proceedings: In Chambers: COMPLAINT IN CASE NO. CV 18-4050

On May 10, 2018, Plaintiff constructively filed a new civil rights complaint, commencing case no. CV 18-4050-FMO (AGR) (“the 2018 case”). As the Court noted in a May 29, 2018 order filed in both the 2018 case and in case no. CV 17-2639-FMO (AGR) (“the 2017 case”), the allegations in the 2018 case’s complaint were remarkably similar to those in the 2017 case’s complaint. For this reason, and because Plaintiff had hinted at a forthcoming amendment in the 2017 case, the Court ordered him to show cause why it should not close the 2018 case as duplicative and file the new complaint as a First Amended Complaint (“FAC”) in the 2017 case. (Dkt. No. 4 in 2018 case.)

But Plaintiff had already noticed the duplication. On May 24, 2018 – five days before the Court’s show-cause order – he filed a “request to dismiss a new filing,” expressly indicating that the new complaint was indeed intended as his FAC in the 2017 case, not as an initial complaint in a new action. (Dkt. No. 5 in 2018 case.) (On the same date, Plaintiff filed a substantially identical FAC in the 2017 case. (Dkt. No. 61 in 2017 case.) Thus, there is no need for the Court to order the 2018 case complaint to be filed as the FAC in the 2017 case.)

Accordingly, IT IS ORDERED that the 2018 case is DISMISSED without prejudice as duplicative. Plaintiff’s Request To Proceed Without Prepayment of Filing Fees in the 2018 case (Dkt. No. 2) is denied as moot.

Initials of Preparer vdr