

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 22-8182 FMO (AFMx)	Date	November 21, 2022
Title	Brandi Montana v. Ritesh Prasad		

Present: The Honorable Fernando M. Olguin, United States District Judge

<u>Gabriela Garcia</u>	<u>None</u>	<u>None</u>
<u>Deputy Clerk</u>	<u>Court Reporter / Recorder</u>	<u>Tape No.</u>
Attorney Present for Plaintiff(s):		Attorney Present for Defendant(s):
None Present		None Present

Proceedings: (In Chambers) Order Dismissing Action Without Prejudice

On or about November 4, 2022, pro se plaintiff Brandi Montana ("plaintiff") filed a Complaint against defendant Ritesh Prasad ("defendant") asserting claims for medical malpractice and intentional infliction of emotion distress. (See Dkt. 1, Complaint at ECF 6-8). Plaintiff previously filed two actions against defendant arising from the same allegations, both of which were dismissed for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). (See Brandi Montana v. Ritesh Prasad, CV 22-7078 SB (C.D. Cal.) (Dkt. 10, Court's Order of October 5, 2022); Brandi Montana v. Ritesh Prasad, CV 22-7456 FLA (C.D. Cal.) (Dkt. 6, Court's Order of October 26, 2022)). Plaintiff has filed substantially the same Complaint again in this action. Accordingly, the action is **dismissed without prejudice** for the reasons set forth in those prior orders. Judgment shall be entered accordingly.

Plaintiff is admonished that further attempts to file the same action may subject her to being declared a vexatious litigant, in which case the court may seek to control such conduct by issuing an "order to give security in such amount as the Court determines to be appropriate to secure the payment of any costs, sanctions or other amounts which may be awarded against a vexatious litigant," and "a directive to the Clerk not to accept further filings from the litigant without payment of normal filing fees and/or without written authorization from" the court. See Local Rule 83-8.2.

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