

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN DEAN MATTOX,

Plaintiff,

vs.

SGT. CASTROL, *et al.*,

Defendants.

Case No. 1:10-cv-01641-RRB

DISMISSAL ORDER

Plaintiff John Dean Mattox, a California State prisoner appearing *pro se* and *in forma pauperis*, brings this action under 42 U.S.C. § 1983 against various officials and employees of the California Department of Corrections and Rehabilitation ("CDCR"). Mattox's claims arose from an incident that occurred during his incarceration at the North Kern State Prison ("NKSP"), and a deliberate indifference claim against dental/medical personnel following his transfer to Pleasant Valley State Prison ("PVSP").¹

In its initial screening of the Complaint, this Court noted it appeared that this action was duplicative of an earlier action

¹ In his Complaint, Mattox named eleven individuals in addition to Sgt. Castrol: CCII Martinez; Lt. Marquez; Dr. Alexander, D.D.S.; Capt. Steadman; Lt. Marquez; Sgt. M.T. Ervan; CCI Harris; Dr. Hermon D.D.S.; Dr. Alexander, D.D.S.; Dr. F. Igbinoza, M.D.; Paco Mendoza; as well as twelve, or more, John and Jane Does alleged to be responsible dental/medical personnel at either NKSP or PVSP.

filed in this Court, *Mattox v. Martinez*, 1:08-cv-01265-FRZ ("*Mattox I*"). The Court further noting that it did not appear that there was any reason that Mattox could not bring the claims raised in this action in *Mattox I*, entered its Order to Show Cause why the Complaint should not be dismissed as duplicative of *Mattox I*.² Mattox filed his Response and an Amended Complaint.³

In responding, Mattox appears to attempt to cure the defects found in *Mattox I* that he attempts to resurrect in this action. Mattox's response does not, however, address the defect in this action, i.e., that it is duplicative of *Mattox I*. The relief Mattox may be entitled to, if any, will be determined in *Mattox I*. As explained in the Order to Show Cause, Mattox is not entitled to bring a second action raising the same claims as were raised or could have been raised in *Mattox I*.

IS THEREFORE ORDERED that this matter is **DISMISSED** without leave to amend.

IT IS SO ORDERED this 3rd day of May, 2013.

S/RALPH R. BEISTLINE
UNITED STATES DISTRICT JUDGE

² Docket 17.

³ Dockets 18, 19.