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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ALBERTO GONZALES,)	1:12-cv-01044 GSA PC
)	
Plaintiff,)	ORDER DISMISSING ACTION
)	AS DUPLICATIVE
v.)	
)	
JAMES HARTLEY, et al.,)	
)	
Defendants.)	

Plaintiff is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has consented to magistrate judge jurisdiction pursuant to 28 U.S.C. § 636(c).

The Court is required to screen complaints brought by prisoners seeking relief against a governmental entity or officer or employee of a governmental entity. 28 U.S.C. § 1915A(a). The Court must dismiss a complaint or portion thereof if the prisoner has raised claims that are legally “frivolous or malicious,” that fail to state a claim upon which relief may be granted, or that seek monetary relief from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1),(2). “Notwithstanding any filing fee, or any portion thereof, that may have been paid, the court shall dismiss the case at any time if the court determines that . . . the action or appeal . . . fails to state a claim upon which relief may be granted.” 28 U.S.C. § 1915(e)(2)(B)(ii).

Plaintiff, an inmate in the custody of the California Department of Corrections and Rehabilitation at Avenal State Prison, brings this civil rights action against correctional officials

1 employed by the Department of Corrections and Rehabilitation at Avenal. In this action, Plaintiff
2 sets forth allegations of inadequate medical care. Specifically, Plaintiff alleges that he is 85% blind,
3 has vision problems, and has been denied rigid contact lenses that have been prescribed. Plaintiff
4 makes the exact same allegations in Gonzales v. Avenal State Prison, et al., 1:11 cv 1212 DLB PC,
5 filed on July 22, 2011. This action was filed on June 27, 2012. A review of the complaint in this
6 action reveals that the allegations are identical to those set forth in the earlier action.

7 Accordingly, IT IS HEREBY ORDERED that this action is dismissed, without prejudice, as
8 duplicative of the earlier action. The Clerk is directed to close this case.

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IT IS SO ORDERED.

Dated: September 21, 2012

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE