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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ISMAEL LOPEZ-RANGEL,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. 1:14-cv-01980 DLB PC

ORDER DISMISSING ACTION AS
DUPLICATIVE OF 1:14-cv-01175-DLB-PC

Plaintiff Ismael Lopez-Rangel, a federal prisoner proceeding pro se and in forma pauperis, filed this civil action on December 8, 2014, pursuant to the Federal Tort Claims Act, which authorizes tort actions against the United States if the United States, *as a private person*, would be liable to the plaintiff under California tort law. United States v. Olson, 546 U.S. 43, 44, 126 S.Ct. 510, 511 (2005); Delta Savings Bank v. United States, 265 F.3d 1017, 1025 (9th Cir. 2001).

In this action, Plaintiff complains of medical care he received with respect to an eye infection he sustained while incarcerated at USP-Atwater. In a previously-filed ongoing action, Plaintiff presents several claims concerning the same subject matter. See Lopez-Rangel v. Copenhaver, 1:14-cv-01175-DLB-PC. In the instant action, Plaintiff names as federal actors: Warden Paul Copenhaver, Health Services Administrator Mettry, Dr. Franco, Nurse Franco, Unit Manager Gardea, Physician's Assistant Dea Wong, Dr. Kenneth Grossman, and Dr. Joseph Grim. These are the same individuals named as Defendants in the previously-filed action. While the causes of action

1 are not the same, the factual allegations in both actions are identical. Therefore, the Court concludes
2 that the instant action shall be dismissed as duplicative. To the extent Plaintiff wishes to present his
3 claims pursuant to the Federal Tort Claims Act, he must do so by moving to amend in the
4 previously-filed action.

5 Accordingly, IT IS HEREBY ORDERED that the instant complaint is DISMISSED as
6 duplicative. This terminates this action in its entirety.

7
8 IT IS SO ORDERED.

9 Dated: January 21, 2015

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE