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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARY JANE BRYANT,  
  
Plaintiff,  
  
v.  
  
SELECT PORTFOLIO SERVICING,  
WELLS FARGO, and THE WOLF FIRM,  
  
Defendants.

No. 1:17-cv-01219-DAD-SAB

ORDER DISMISSING ACTION AS  
DUPLICATIVE OF BRYANT v. WELLS  
FARGO, No. 1:16-cv-01628-AWI-MJS

Plaintiff Mary Jane Bryant brings this action *pro se* against defendants Select Portfolio Servicing, Wells Fargo, and the Wolf Firm. (Doc. No. 1.) Plaintiff’s petition to proceed *in forma pauperis* is pending before the court. (Doc. No. 2.) Plaintiff’s complaint purports to assert a claim arising under federal law based upon 18 U.S.C. §§ 1341, 1343, and 1961. (*See* Doc. No. 1 at 3.) In addition, plaintiff’s claims appear to arise from a foreclosure of her parents’ house. (*Id.* at 4.) These allegations are entirely encompassed within the operative complaint in another case pending before this court, which plaintiff initiated in 2016: *Bryant v. Wells Fargo*, No. 1:16-cv-01628-AWI-MJS, ECF No. 1 (complaint filed October 28, 2016). The complaint in that earlier filed case states substantially similar allegations against defendant Wells Fargo and others. Additionally, there are two pending motions in that case relating to the complaint: a motion to dismiss and a motion for an order declaring plaintiff a vexatious litigant. *See id.*, ECF Nos. 5, 8.

1 “After weighing the equities of the case, the district court may exercise its discretion to  
2 dismiss a duplicative later-filed action, to stay that action pending resolution of the previously  
3 filed action, to enjoin the parties from proceeding with it, or to consolidate both actions.” *Adams*  
4 *v. Cal. Dep’t of Health Servs.*, 487 F.3d 684, 688 (9th Cir. 2007), *overruled on other grounds by*  
5 *Taylor v. Sturgell*, 553 U.S. 880 (2008). “Plaintiffs generally have ‘no right to maintain two  
6 separate actions involving the same subject matter at the same time in the same court and against  
7 the same defendant.’” *Id.* (quoting *Walton v. Eaton Corp.*, 563 F.2d 66, 70 (3d Cir. 1977) (en  
8 banc)). “[A] suit is duplicative if the claims, parties, and available relief do not significantly  
9 differ between the two actions.” *Id.* at 689. “Dismissal of the duplicative lawsuit, more so than  
10 the issuance of a stay or the enjoinder of proceedings, promotes judicial economy and the  
11 ‘comprehensive disposition of litigation.’” *Id.* at 692 (citation omitted). As plaintiff’s claims are  
12 duplicative of claims that she raised in a prior action that is currently pending before this court,  
13 the instant action will be dismissed without leave to amend.

14 Separately, the court notes that plaintiff’s address of record in this case differs from her  
15 address of record in the earlier-filed suit, *Bryant v. Wells Fargo*, No. 1:16-cv-01628-AWI-MJS.  
16 In light of plaintiff’s recent allegations that she “[has] been in hiding” (*see* Doc. No. 1 at 6), it is  
17 possible she may no longer reside at the address of record listed in the earlier-filed suit and may  
18 not be receiving documents filed in that case. The Local Rules of this court provide:

19 A party appearing *in propria persona* shall keep the Court and  
20 opposing parties advised as to his or her current address. If mail  
21 directed to a plaintiff *in propria persona* by the Clerk is returned by  
22 the U.S. Postal Service, and if such plaintiff fails to notify the Court  
and opposing parties within sixty-three (63) days thereafter of a  
current address, the Court may dismiss the action without prejudice  
for failure to prosecute.

23 Local Rule 183(b). Plaintiff is therefore advised to immediately apprise the court of her current  
24 address, if appropriate, in that case.

25 Accordingly,

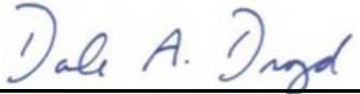
- 26 1. Plaintiff’s complaint filed in this action is dismissed without leave to amend as  
27 duplicative;
- 28 2. The Clerk of the Court is directed to close this case; and

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3. The Clerk of the Court is further directed to mail plaintiff a courtesy copy of the docket sheet in the earlier-filed suit, *Bryant v. Wells Fargo*, No. 1:16-cv-01628-AWI-MJS, along with this order.

IT IS SO ORDERED.

Dated: October 10, 2017

  
UNITED STATES DISTRICT JUDGE