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**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

MARY JANE BRYANT,

Plaintiff,

v.

**WELLS FARGO BANK N.A. and TAMMY
JOHNSTON,**

DefendantS.

1:17-cv-01284-LJO-MJS

**ORDER DISMISSING ACTION AS
DUPLICATIVE OF BRYANT v. WELLS
FARGO, ET AL., 1:16-CV-01628 AWI
MJS**

Plaintiff Mary Jane Bryant brings this action pro se against Defendants Wells Fargo Bank, N.A. and Tammy Johnston. ECF No. 1. Her petition to proceed *in forma pauperis* is pending. ECF No. 2. The Complaint purports to assert a claim arising under federal law based upon 18 U.S.C. §§ 1341, 1343, 1344 and 1961. ECF No. 1 at 3. In addition, Plaintiff asserts that Wells Fargo engaged in “foreclosure fraud – securitized loan, not perfected title,” and that Tammy Johnson engaged in “trespass, illegal entry” and “theft of personal property.” *Id.* at 4. The claims all relate to real property purchased by Plaintiff’s parents in 2007 in which Plaintiff claims an ownership interest. *Id.* at 6. According to the Complaint, the property was the subject of an improper trustee’s sale in 2016. *Id.* at 7.

These allegations are entirely encompassed within the operative Complaint in an earlier-filed

1 case, also brought by Plaintiff: *Bryant v. Wells Fargo, et al.*, 1:16-CV-01628 AWI MJS. The Complaint
2 in that case asserts the same or substantially similar claim(s) against Wells Fargo, N.A., Tammy
3 Johnston and others.

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

16 **CONCLUSION**

17 Plaintiff’s Complaint is **DISMISSED WITHOUT LEAVE TO AMEND** as duplicative. The
18 Clerk of Court is directed to **CLOSE THIS CASE**.

19
20 IT IS SO ORDERED.

21 Dated: **October 6, 2017**

/s/ Lawrence J. O’Neill
22 UNITED STATES CHIEF DISTRICT JUDGE