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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ROLAND THOMAS KOCH,
Plaintiff,
v.
BRANDON PRICE,
Defendant.

Case No. 1:19-cv-01082-JDP
FINDINGS AND RECOMMENDATIONS
THAT THIS CASE BE DISMISSED AS
DUPLICATIVE OF CASE 1:18-cv-01693-DAD-
SAB
OBJECTIONS DUE IN FOURTEEN DAYS
ORDER ASSIGNING THE CASE TO A
DISTRICT JUDGE

Plaintiff Roland Thomas Koch is a civil detainee proceeding without counsel and without prepayment of fees in this civil rights action brought under 42 U.S.C. § 1983. Plaintiff’s complaint, ECF No. 1, is before the court for screening under 28 U.S.C. § 1915(e). Plaintiff alleges that the conditions of his confinement and the confiscation of his personal property at Coalinga State Hospital violate his federal rights. Because this complaint is duplicative of a previously filed action, I order that the clerk’s office assign this case to a district judge and I recommend that the case be dismissed.

“Plaintiffs generally have ‘no right to maintain two separate actions involving the same subject matter at the same time in the same court and against the same defendant.’” *Adams v.*

1 *California Dep't of Health Servs.*, 487 F.3d 684, 688 (9th Cir. 2007) (quoting *Walton v. Eaton*
2 *Corp.*, 563 F.2d 66, 70 (3d Cir. 1977) (en banc)). In assessing duplicative lawsuits, “we examine
3 whether the causes of action and relief sought, as well as the parties or privies to the action, are
4 the same.” *Id.* at 689. The causes of action, relief sought, and parties here do not significantly
5 differ from those in *Koch v. Price, et al.*, No. 1:18-cv-01693-DAD-SAB. I therefore recommend
6 that this case be dismissed as duplicative and that the clerk be directed to close the case.

7 This recommendation will be submitted to the district judge assigned to the case, pursuant
8 to 28 U.S.C. § 636(b)(1). Within fourteen days of being served with this recommendation,
9 plaintiff may file written objections. Those objections should be captioned “Objections to
10 Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file
11 objections within the specified time may result in the waiver of rights on appeal. *See Wilkerson v.*
12 *Wheeler*, 772 F.3d 834, 838-39 (9th Cir. 2014).

13
14 IT IS SO ORDERED.

15 Dated: November 27, 2019


UNITED STATES MAGISTRATE JUDGE

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19 No. 205.