

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

AJAMU CRITTLE, 15069-111,)	
)	
Plaintiff(s),)	No. C 13-0743 CRB (PR)
)	
v.)	ORDER OF DISMISSAL
)	
BELEN EZAZ, et al.,)	
)	
Defendant(s).)	
_____)	

Plaintiff, a prisoner at the Federal Detention Center in Dublin, California, has filed a pro se complaint under Bivens and FTCA alleging inadequate medical care. Plaintiff raised the same allegations and claims in a prior prisoner complaint, which is still pending. See Crittles v. Ezaz, No. C 13-0625 CRB (PR) (N.D. Cal. filed Feb. 13, 2013).

A prisoner complaint that merely repeats pending or previously litigated claims may be considered abusive and dismissed under the authority of 28 U.S.C. § 1915A. Cf. Cato v. United States, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995) (citing Bailey v. Johnson, 846 F.2d 1019, 1021 (5th Cir. 1988)) (duplicative in forma pauperis complaint may be considered abusive and dismissed under 28 U.S.C. § 1915). Because plaintiff raised and is litigating the same allegations and claims raised herein in Crittles v. Ezaz, No. C 13-0625 CRB (PR), the instant complaint is deemed duplicative and abusive under § 1915A.

1 The complaint is DISMISSED as duplicative under the authority of 28
2 U.S.C. § 1915A(b).

3 The clerk shall enter judgment in accordance with this order, terminate all
4 pending motions as moot, and close the file.

5 SO ORDERED.

6 DATED: Feb. 25, 2013



7 _____
8 CHARLES R. BREYER
9 United States District Judge
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26