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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

In Re. No. C 13-1438 SI (pr)
SAMUEL KENNETH PORTER, **ORDER OF DISMISSAL**
Plaintiff.

Samuel Kenneth Porter, an inmate incarcerated at Calipatria State Prison, commenced this action by filing a document entitled "complaint/declaration or amicus curiae brief" about a tapeworm he is experiencing at Calipatria State Prison. His complaint is now before the court for review under 28 U.S.C. § 1915A, which requires the court to identify any cognizable claims, and dismiss any claims which are frivolous, malicious, fail to state a claim upon which relief may be granted, or seek monetary relief from a defendant who is immune from such relief.

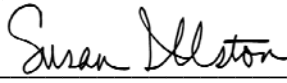
The complaint in this action repeats claims made in *Porter v. Jennings*, Case No. C 13-1485 SI – in fact, it is a photocopy of a portion of the complaint in that action. The complaint is frivolous because it asserts claims duplicative of those raised in the other action. *See Cato v. United States*, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995); *Bailey v. Johnson*, 846 F.2d 1019, 1021 (5th Cir. 1988) (duplicative or repetitious litigation of virtually identical causes of action is subject to dismissal under 28 U.S.C. § 1915 as malicious); *see also Adams v. California Dept. of Health Services*, 487 F.3d 684, 689 (9th Cir. 2007) ("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.") Although this action is the lower-numbered case, it

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1 will be dismissed because Case No. C 13-1485 SI has a more viable complaint in that the
2 complaint in Case No. C 13-1485 SI lists defendants and describes the problem in greater detail.
3 Accordingly, this action is DISMISSED with prejudice because it is frivolous. The clerk shall
4 close the file.

5 IT IS SO ORDERED.

6 Dated: July 2, 2013



SUSAN ILLSTON
United States District Judge

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