

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-02167-BNB

BRUCE W. JONES,

Plaintiff,

v.

DR. JEFFREY ALLEN, Individually and in his Official Capacity, Chief Health Programs,  
Health Services Division, Washington D.C., North Central Region, Kansas City,  
Kansas,

LISA GREGORY, Individually and in her Official Capacity, Regional Health Services  
Administrator, North Central Regional Office, Kansas City, Kansas,

UNITED STATES OF AMERICA,

MARK KELLAR, Individually and in his Official Capacity, Health Services Administrator,  
Federal Correctional Inst., Florence,

ALLYSON ALVARADO, Individually and in her Official Capacity, Asst. Health Services  
Administrator, Federal Correctional Institute, Florence,

LT. CIMAROSSA, Individually and in her Official Capacity, Acting Asst. Health  
Services Health Administrator, Federal Correctional Institute, Florence,

GEORGE SANTINI, Individually and in his Official Capacity, Staff Physician, Federal  
Correctional Institute, Florence,

ALICIA VINYARD, Individually and in her Official Capacity, Midlevel Provider, Federal  
Correctional Institute, Florence,

GILBERTA TRUJILLO, Individually and in her Official Capacity, Medical Secretary,  
Federal Correctional Institute, Florence,

P. RANGEL, Individually and in his Official Capacity, Associate Warden, Federal  
Correctional Institute, Florence, and

JAMES PELTON, Individually and in his Official Capacity, Acting Clinical Director,  
Federal Correctional Institute, Florence,

Defendants.

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ORDER TO SHOW CAUSE

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Plaintiff, Bruce W. Jones, is a prisoner in the custody of the Bureau of Prisons  
and is currently incarcerated at the Federal Correctional Institution at Florence,  
Colorado. On August 13, 2013, Plaintiff, acting *pro se*, initiated a Prisoner Complaint,

and the Court granted leave to proceed pursuant to 28 U.S.C. § 1915 on August 19, 2013.

The Court must construe the Complaint liberally because Plaintiff is not represented by an attorney. See *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991). However, the Court should not act as an advocate for a *pro se* litigant. See *Hall*, 935 F.2d at 1110. For the reasons stated below, Plaintiff will be ordered to show cause why this action should not be dismissed in part.

Repetitious litigation of virtually identical causes of action may be dismissed as frivolous or malicious. See *Bailey v. Johnson*, 846 F.2d 1019, 1021 (5th Cir. 1988) (per curiam); *Van Meter v. Morgan*, 518 F.2d 366, 368 (8th Cir. 1975) (per curiam). The Court may consult its own records to determine whether a pleading repeats pending or previously litigated claims. See *Duhart v. Carlson*, 469 F.2d 471 (10th Cir. 1972). It appears Plaintiff makes the identical allegations in another case that he has initiated in this Court. See *Jones v. Kellar*, No. 11-cv-02721-RM-KMT (D. Colo. filed Oct. 19, 2011). Five of the named defendants listed in this action are named in Case No. 11-cv-02721-RM-KMT. It appears that the claims asserted in the instant action are repetitive of Plaintiff's claims in Case No. 11-cv-02721-RM-KMT. Therefore, Plaintiff will be ordered to show cause why the claims asserted against Defendants Mark Kellar, George Santini, Alicia Vinyard, Gilberta Trujillo, and James Pelton should not be dismissed. Accordingly, it is

ORDERED that Plaintiff show cause in writing within thirty days from the date of

this Order why the instant action in part should not be dismissed as repetitive of *Jones v. Kellar*, No. 11-cv-02721-RM-KMT (D. Colo. filed Oct. 19, 2011). It is

FURTHER ORDERED that if Plaintiff fails to show cause **within thirty days from the date of this Order**, the Court will proceed to review the merits of the claims asserted against the remaining defendants.

DATED August 19, 2013, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland  
United States Magistrate Judge