

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-02515-BNB

CLAUDE GRAYWOLF McClain,

Plaintiff,

v.

MRS. D. DENHAM, Warden,  
M. LONNEL, Asst. Warden/A.W.P.,  
MRS. R. HUFNAGLE, unit manager,  
MRS. L. ASAY, case manager,

Defendants.

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ORDER DISMISSING CASE

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Plaintiff, Claude Graywolf McClain, is a prisoner in the custody of the Federal Bureau of Prisons. Mr. McClain, apparently inadvertently, has initiated two separate civil actions raising the same claims regarding medical treatment. On August 29, 2014, Mr. McClain submitted a Prisoner Complaint, and civil action number 14-cv-02415-BNB was opened. The same day, Mr. McClain was directed to cure certain deficiencies in that action. On September 10, 2014, Mr. McClain submitted another complaint that did not include a case number, and the instant action was opened. On September 11, 2014, Mr. McClain was directed to cure certain deficiencies in this action. Mr. McClain has responded to the orders directing him to cure deficiencies by filing various papers in both actions.

Mr. McClain may not pursue the same claims in two separate actions. Therefore, the instant action will be dismissed without prejudice, and Mr. McClain will be directed to

pursue his medical treatment claims in civil action number 14-cv-02415-BNB. All future filings regarding the medical treatment claims should be made in civil action number 14-cv-02415-BNB.

Finally, the clerk of the Court will be directed to file in civil action number 14-cv-02415-BNB a copy of the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 3) and the inmate trust fund account statement (ECF No. 9) that have been filed in this action. Accordingly, it is

ORDERED that the instant action is dismissed without prejudice. It is

FURTHER ORDERED that the clerk of the Court file in civil action number 14-cv-02415-BNB a copy of the Prisoner's Motion and Affidavit for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (ECF No. 3) and a copy of the inmate trust fund account statement (ECF No. 9) that have been filed in this action. It is

FURTHER ORDERED that all pending motions in this action are denied as moot and without prejudice.

DATED at Denver, Colorado, this 22<sup>nd</sup> day of September, 2014.

BY THE COURT:

s/Lewis T. Babcock  
LEWIS T. BABCOCK, Senior Judge  
United States District Court