

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

NIKETA LESHUN SHERILL,

Plaintiff,

v.

Case No. 8:22-cv-2122-WFJ-AEP

SARASOTA POLICE  
DEPARTMENT, *et al.*,

Defendants.

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**ORDER**


Mr. Sherill filed a civil rights complaint (Doc. 1). He alleges that on April 7, 2021, while exiting a convenience store in Sarasota, Florida, he was subjected to excessive force when he was shot with a stun gun by a police officer.

Mr. Sherill previously filed a complaint in this Court on May 3, 2022, in which he alleged the same claim, and the action is pending. *See Sherill v. M. Spencer*, Case No. 8:22-cv-1036-KKM-AEP. Mr. Sherill may not simultaneously litigate duplicative suits in two cases in this Court. Therefore, because Mr. Sherill first filed his complaint in Case No. 8:22-cv-1036-KKM-AEP, the complaint in this case will be dismissed. *See Curtis v. Citibank, N.A.*, 226 F.3d 133, 138 39 (2d Cir. 2000) (where actions are identical “simple dismissal of the second suit is [a] common disposition because plaintiffs have no right to maintain two actions on the same subject in the

same court, against the same defendant at the same time”).

Accordingly, the complaint (Doc. 1) is **DISMISSED** without prejudice to Mr. Sherill pursuing his claims in Case No. 8:22-cv-1036-KKM-AEP. The Clerk must close this case.

**ORDERED** in Tampa, Florida on September 19, 2022.

  
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**WILLIAM F. JUNG**  
**UNITED STATES DISTRICT JUDGE**

Copy to: Niketa Leshun Sherill, *pro se*