

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK ALAN LANE,

Petitioner,

v.

Case No. 5:17-cv-12768
Honorable John Corbett O'Meara

J. A. TERRIS,

Respondent.

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ORDER OF DISMISSAL

This matter has come before the Court on a *pro se* habeas corpus petition filed by federal inmate Mark A. Lane on August 17, 2017. Petitioner alleges in his petition, which he filed under 28 U.S.C. § 2241, that (1) his detention is illegal due to an invalid sentence, (2) the judgment of sentence in his criminal case is void, (3) the duration of his sentence is cruel and unusual punishment, and (4) he is entitled to have false information in his pre-sentence report and judgment of sentence expunged.

Petitioner raised the same four claims in a previous petition, which he filed on July 24, 2017. See *Lane v. Terris*, No. 2:17-cv-12436 (E.D. Mich. July 24, 2017). In fact, the instant petition appears to be a photocopy of the petition filed in case number 2:17-cv-12436, absent the attachments.

Faced with a duplicative lawsuit, a federal court may exercise its discretion to dismiss the suit before it. *Twaddle v. Diem*, 200 F. App'x 435, 438 (6th Cir. 2006).

“[S]imple 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.” *Curtis v. Citibank, N.A.*, 226 F.3d 133, 138–39 (2d Cir. 2000); see also *Missouri v.*

Prudential Health Care Plan, Inc., 259 F.3d 949, 953–54 (8th Cir.2001)
(joining other courts that have held a district court may dismiss one of two
identical pending actions).

Id.

Although the petition in this case lacks any attachments, it is otherwise identical
to the one in case number 2:17-cv-12436, which is pending before United States District
Judge Victoria A. Roberts. The Court, therefore, summarily DISMISSES this case as
duplicative of the earlier petition.

Date: September 28, 2017

s/John Corbett O'Meara
United States District Judge

I hereby certify that on September 28, 2017, a copy of this order was served
upon Petitioner using first-class U.S. mail.

s/William Barkholz
Case Manager