

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

J. BENJAMIN ODOMS,
Plaintiff,
vs.
NDOC UTILIZATION REVIEW PANEL,
et al.
Defendants.

3:13-cv-00193-RCJ-VPC
ORDER

This closed duplicative action comes before the Court on plaintiff’s motion (#6) for relief from order.

Two identical – *i.e.*, one being an exact photocopy duplicate of the other – actions were docketed in No. 3:13-cv-00181-RCJ-WGC and No. 3:13-cv-00193-RCJ-VPC. The Court dismissed the second of the two actions docketed, the present action.

The motion for relief from order is nonsensical on its face. Plaintiff contends that he was seeking to relate this action – No 3:13-cv-00193 – back to a first action filed in 2009, which he identifies as No. 3:13-cv-00181-RCJ-VPC. He contends that the Court erred in reflecting that Magistrate Judge Cobb instead was assigned to No. 3:13-cv-00181 because Judge Cooke was the Magistrate Judge assigned to his 2009 case.

The first two numbers before “cv” in a docket number represent the year in which the case was filed. A case with a docket number that starts “3:13-cv” was filed in 2013, not 2009. Plaintiff’s previously dismissed 2009 action appears to have been No. 3:09-cv-00223-RCJ-VPC. Plaintiff’s motion therefore is based upon a nonsensical premise.

1 Plaintiff simply fails to understand that when he sent his April 11, 2013, complaint for
2 filing, that April 11, 2013, complaint was filed twice – once in No. 3:13-cv-00181 and a second
3 time in No. 3:13-cv-00193. The Court has exercised its authority to manage its docket by
4 dismissing this entirely duplicative second filing of the same identical complaint. This action,
5 No. 3:13-cv-00193, was dismissed because it was duplicative of No. 3:13-cv-00181. The
6 Court's action in dismissing this action, No. 3:13-cv-00193, had nothing to do – one way or
7 the other – with No. 3:09-cv-00223.

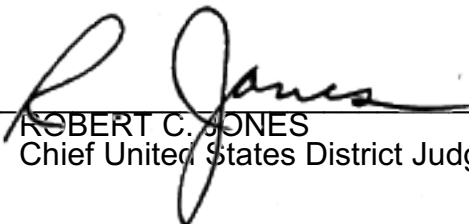
8 No. 3:13-cv-00181 remained pending before the Court at the time of the dismissal of
9 this duplicative action. Judge Cobb is the Magistrate Judge assigned to No. 3:13-cv-00181.
10 Any relief that plaintiff wishes to seek with regard to his April 11, 2013, complaint, including
11 any motion for preliminary injunctive relief, must be filed in No. 3:13-cv-00181, if still pending.¹
12 The Court is not going to conduct two entirely duplicative actions at the same time merely
13 because plaintiff does not understand that his April 11, 2013, complaint was filed twice.

14 IT THEREFORE IS ORDERED that the motion (#6) for relief from order is DENIED.

15 IT FURTHER IS ORDERED that the Clerk of Court shall SEND plaintiff with this order
16 a copy of: (a) the docket sheet and complaint in No. 3:13-cv-00181; (b) the docket sheet and
17 complaint in this action, No. 3:13-cv-00193; and (c) the docket sheet in No. 3:09-cv-00223.

18 This action remains closed.

19 DATED: September 16, 2013.

20
21
22 
23 ROBERT C. JONES
24 Chief United States District Judge

25
26 ¹The Court expresses no opinion whatsoever as to the relief – if any – to which plaintiff may be
27 entitled to in No. 3:13-cv-00181, for so long as that action may be pending. The Court is not directing plaintiff
28 to file any paper in any other action, including in No. 3:13-cv-00181. The Court simply and plainly is stating
only that plaintiff may file no further papers and may seek no further relief in *this* action, No. 3:13-cv-00193.
This action is closed.