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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ANDRE A. BRELAND,)
)
Plaintiff,)
)
v.)
)
MICHAEL BOBADILLA et al.,)
)
Defendants.)
_____)

3:15-cv-138-RCJ-WGC

ORDER

I. DISCUSSION

Plaintiff, who is a prisoner in the custody of the Nevada Department of Corrections (“NDOC”), has submitted a civil rights complaint pursuant to 42 U.S.C. § 1983 and has filed an application to proceed *in forma pauperis*. (ECF No. 1, 1-1). The Court dismisses this case with prejudice. Plaintiff admits that he filed another complaint alleging the same facts as the instant complaint in *Breland v. Jenkins*, 3:14-cv-664-RCJ-VPC and that he is awaiting disposition in that case. (See ECF No. 1-1 at 9). To the extent that Plaintiff is attempting to raise different claims in this complaint based on the same factual allegations alleged in the 3:14-cv-664-RCJ-VPC complaint, Plaintiff may not initiate a completely new lawsuit. Instead, Plaintiff must amend his pleading in the 3:14-cv-664-RCJ-VPC case. See Fed. R. Civ. P. 15(a).

II. CONCLUSION

For the foregoing reasons, IT IS ORDERED that the application to proceed *in forma pauperis* (ECF No. 1) is denied as moot.

IT IS FURTHER ORDERED that the Clerk of the Court shall file the complaint (ECF No. 1-1).

IT IS FURTHER ORDERED that the complaint is dismissed in its entirety with prejudice.

1 IT IS FURTHER ORDERED that Plaintiff shall file any change of claims with respect
2 to the set of factual allegations alleged in this case's complaint (ECF No. 1-1) in an amended
3 complaint in case 3:14-cv-664-RCJ-VPC.

4 IT IS FURTHER ORDERED that Plaintiff shall not file any more documents in this case.

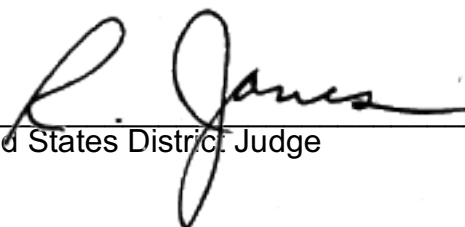
5 IT IS FURTHER ORDERED that the Clerk of the Court shall enter judgment
6 accordingly.

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8 Dated this 25th day of June, 2015.

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United States District Judge

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