

1
2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA
4

5 JOEY A. GARCIA,
6 Plaintiff,
7 vs.
8 JEREMEY TAFELMEYER, et al.,
9 Defendants.

Case No. 3:25-CV-00051-ART-CLB

ORDER ON REPORT AND
RECOMMENDATION OF U.S.
MAGISTRATE JUDGE
(ECF No. 3.)

10 Plaintiff Joey Garcia brings this action under 28 U.S.C. § 1983 against
11 Defendants Deputy Jeremey Tafelmeyer and Deputy Levi Bell. Plaintiff filed a *pro*
12 *se* civil rights complaint (ECF No. 1-1) and application to proceed *in forma*
13 *pauperis* (“IFP”) (ECF No. 1). Magistrate Judge Baldwin issued a Report and
14 Recommendation (“R&R”), which recommended granting Plaintiff’s IFP
15 application, but dismissal of Plaintiff’s complaint as duplicative of a complaint
16 already filed in another case before the court. (ECF No. 3.)

17 **I. Dismissal of Complaint as Duplicative**

18 Judge Baldwin’s R&R screened Plaintiff’s complaint under 28 U.S.C. §
19 1915A. Under 28 U.S.C. § 1915A, courts may dismiss duplicative complaints.
20 *See Cato v. United States*, 70 F.3d 1103, 1107 (9th Cir. 1995). Judge Baldwin
21 recommended dismissal because Plaintiff’s complaint in this action is identical
22 to the complaint in a previously filed action, *Garcia v. Tafelmeyer, et al.*, 3:25-cv-
23 00038-MMD-CSD at ECF No. 1-1.

24 Plaintiff filed an objection to the R&R, stating that he does not object to
25 dismissal of this action but requesting that the Court not dismiss his other
26 action, Case No. 3:25-cv-00038. (ECF No. 6.) Plaintiff states that the law library
27 accidentally filed his complaint two times, when he intended only to file one case.
28 (ECF No. 6.)

1 The Court will therefore adopt Judge Baldwin's R&R and dismiss this
2 action under 28 U.S.C. § 1915A as duplicative.

3 **II. Plaintiff's Updated Address**

4 On February 10, 2025, the Court ordered Plaintiff to update his address,
5 as his mail had been returned as undeliverable. (ECF No. 5.) In his objection to
6 the R&R, Plaintiff also included an updated address indicating that he is at
7 N.N.C.C. (ECF No. 6 at 2.) The Court will order the Clerk to update Plaintiff's
8 address in this action accordingly.

9 **III. Conclusion**

10 It is therefore ordered that the Clerk of the Court update Plaintiff's address
11 pursuant to his filing at ECF No. 6:

12 Joey Garcia
13 #93047
14 N.N.C.C.
15 P.O. Box 7000
16 Carson City, Nevada 89702

17 It is further ordered that Judge Baldwin's R&R (ECF No. 3) is ADOPTED in
18 accordance with this order.

19 It is further ordered that Plaintiff's IFP application (ECF No. 1) is DENIED
20 AS MOOT.

21 It is further ordered that the Clerk FILE the complaint (ECF No. 1-1).

22 It is further ordered that the complaint (ECF No. 1-1) is DISMISSED
23 without prejudice but without leave to amend in this action.

24 It is further ordered that the Clerk of the Court ENTER JUDGMENT
25 accordingly and CLOSE this case.

26 Dated this 5th day of March 2025.

27 

28 ANNE R. TRAUM
UNITED STATES DISTRICT JUDGE