

**NOT FOR PUBLICATION**

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

JOEY JACKSON,	:	CIVIL ACTION NO. 08-3983 (MLC)
	:	
Plaintiff,	:	<b>MEMORANDUM OPINION</b>
	:	
v.	:	
	:	
ELISE GAMBINO,	:	
	:	
Defendant.	:	
_____	:	

**THE PLAINTIFF** – Joey Jackson – applying to proceed in forma pauperis under 28 U.S.C. § 1915 (“Application”) (dkt. entry no. 1, Application); and the Court, based upon Jackson’s assertions in support thereof, intending to (1) grant the Application, and (2) direct the Clerk of the Court to file the Complaint, see Jackson v. Gambino, No. 08-2744 (FLW), dkt. entry no. 2, 6-5-08 Order (granting relief to same plaintiff); Jackson v. Gambino, No. 08-3072 (FLW), dkt. entry no. 2, 6-26-08 Order (same); and

**IT APPEARING** that the Court may (1) review a complaint, and (2) dismiss it sua sponte if it is frivolous or malicious, fails to state a claim on which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief, see 28 U.S.C. § 1915(e) (2) (B); and it appearing that Jackson, who is pro se, lives in an assisted living facility overseen by the defendant (dkt. entry no. 1, Compl.); and it appearing that Jackson’s claims herein are duplicative of claims

that (1) he has already brought in two other cases in the District of New Jersey, and (2) have already been resolved, see Jackson v. Gambino, No. 08-2744 (FLW), dkt. entry no. 9, 8-21-08 Order (dismissing complaint therein); Jackson v. Gambino, No. 08-3072 (FLW), dkt. entry no. 2, 6-26-08 Order (dismissing complaint therein); id., dkt. entry no. 4, 8-21-08 Order (denying motion to reopen action); and it appearing that Jackson may not seek relief on the same claims from a different district court judge, see Fed.R.Civ.P. 60; L.Civ.R. 7.1(i); Fed.R.App.P. 3-5; Olaniyi v. Alexa Cab Co., 239 Fed.Appx. 698, 699 (3d Cir. 2007) (affirming order dismissing complaint because "to the extent [the plaintiffs] were simply seeking to challenge the decision issued by [another judge in the same district], they were required to do so by filing a motion for reconsideration in that case or seeking appellate review of the order of dismissal in th[e] Court [of Appeals]"); and

**THE COURT** thus intending to dismiss the Complaint as frivolous and for failure to state a claim; and for good cause appearing, the Court will issue an appropriate Order and Judgment.

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s/ Mary L. Cooper  
**MARY L. COOPER**  
United States District Judge

Dated: March 13, 2009