

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

PETER GAKUBA,

3:15-cv-00496-BR

Plaintiff,

ORDER

v.

HOLLYWOOD VIDEO, INC., aka
Movie Gallery, dba Hollywood
Video/Movie Gallery Customer
Service; ERIC HOLDER, in his
official capacity as United
States Attorney General; LISA
MADIGAN, in her official capacity
as Illinois Attorney General,

Defendants.

BROWN, Judge.

This matter comes before the Court on Plaintiff's Motion (#16) for Preliminary Injunction, Motion (#17) for a PACER Fee Exemption, Motion (#21) for Appointment of Counsel, and Second Motion (#26) for Temporary Restraining Order.

1 - ORDER

After reviewing Plaintiff's Motions and other filings, the Court notes Plaintiff is presently litigating identical claims in the Eastern District of California: *Gakuba v. Hollywood Video, LLC*, No. 2:15-cv-00630-MCE-AC. Because Plaintiff's First Amended Complaint (#24) merely repeats claims that are pending in another district, the Court dismisses this *in forma pauperis* action without prejudice. See 28 U.S.C. § 1915(e). See also *Cato v. United States*, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995)(explaining a district court may dismiss an *in forma pauperis* action under § 1915 when the complaint "merely repeats pending or previously litigated claims.")(citations omitted); *Barker v. Fugazzi*, 18 F. App'x 663, 664-65 (9th Cir. Sep. 17, 2001).

CONCLUSION

For these reasons the Court **DISMISSES** Plaintiff's First Amended Complaint (#24) **without prejudice**. No later than **May 8, 2015**, Plaintiff may file an amended complaint in this matter that raises claims over which this Court has jurisdiction but that cannot be raised in the pending action in the Eastern District of California. If Plaintiff does not file an amended complaint that comports with this Order by May 8, 2015, the Court will enter a judgment dismissing this matter.

The Court also **DENIES as moot** Plaintiff's Motion (#16) for Preliminary Injunction, Motion (#17) for a PACER Fee Exemption,

Motion (#21) for Appointment of Counsel, and Second Motion (#26)
for Temporary Restraining Order.

IT IS SO ORDERED.

DATED this 17th day of April, 2015.

/s/ Anna J. Brown

ANNA J. BROWN
United States District Judge