

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RAKEN RAYHEEM WRIGHT,

Plaintiff,

v.

JOSEPH W. NOCITO,

Defendant.

2:23-CV-02068-CCW

OPINION AND ORDER

Before the Court is *pro se* Plaintiff Raken Rayheem Wright's Motion to Proceed in Forma Pauperis. ECF No. 6. For the following reasons, the Court will **GRANT** Mr. Wright's Motion and **DISMISS** the Complaint under the screening provisions of 28 U.S.C. § 1915.

I. Background

On December 1, 2023, Mr. Wright commenced this action by filing a motion to proceed in forma pauperis. ECF No. 1. Mr. Wright's Complaint was lodged while the motion was pending. *Id.* On March 7, 2024, following the Court's denial of Mr. Wright's initial motion, ECF No. 5, Mr. Wright filed the instant Motion to Proceed in Forma Pauperis. ECF No. 6. In the Motion, Mr. Wright avers that he receives \$983 a month for disability, has \$183 in expenses each month, and currently has \$983 in his checking account and \$0 in his savings account. ECF No. 6.

In the "Facts" section of Mr. Wright's Complaint, he alleges:

My property was under investigation 137 beech ridge dr sewickley, Pa which lead to identify thief. Also bank account information was data breach forcing all accounts closed. Property was seized by the government under indictment activities involving Joseph nocito conspiracy to tax fraud. Defendant did not have permission from me to use address to commit fraud or live at the property. My

property has lose value and must undergoing investigations until matters are resolved. [sic]

ECF No. 1-1 ¶ IV.

In the “Relief” section of Mr. Wright’s Complaint, he seeks “return of property” and damages which “would be the value of my property and [Mr. Nocito] must pay restitution concerning this issue.” *Id.* ¶¶ V, VI. In the “Additional Info” section, Mr. Wright alleges that “[a]ll credit bureaus where data breached and [he] had to file a complaints on residents to obtain information concerning [his] property 137 beech ridge dr sewickley Pa, 15143.” *Id.* ¶ VII.

On the civil cover sheet, in the “Cause of Action” section, Mr. Wright wrote “my property was based on fraud I want return of property.” ECF No. 1-2 at 1. Mr. Wright also indicated on the civil cover sheet that this action was related to Civil Action No. 2:20-cv-1882 (the “Related Action”).¹

II. Plaintiff’s Action is Frivolous

For claims filed in forma pauperis, § 1915(e) acts as a screening mechanism that authorizes dismissal for various reasons, including when the case is “frivolous or malicious.” 28 U.S.C. § 1915(e)(2)(B)(i). Although these dismissals can occur “at any time,” § 1915(e)(2), they “are often made *sua sponte* prior to the issuance of process, so as to spare prospective defendants the inconvenience and expense of answering such complaints.” *Neitzke v. Williams*, 490 U.S. 319, 324 (1989). “Repetitious litigation of virtually identical causes of action may be dismissed under § 1915 as frivolous or malicious.” *Banks v. County of Allegheny*, 568 F. Supp. 2d. 579, 589–90 (W.D. Pa. 2008) (Lancaster, J.); *Hoye v. Allegheny Cnty. Med. Dep’t*, No. 2:23-CV-01648, 2023 WL 7124580, at *2 (W.D. Pa. Oct. 30, 2023) (Fischer, J.).

¹ The Related Action is captioned *Wright v. Nocito*, 2:20-cv-1882 (W.D. Pa.) (Wiegand, J.).

The Court finds that Mr. Wright is financially unable to pay the filing fee and accordingly will grant his Motion. However, under the screening provisions of § 1915, the Court will dismiss the Complaint because the instant action contains virtually identical claims as those Mr. Wright attempted to assert in the Related Action. In 2020, Mr. Wright first sued Defendant Joseph W. Nocito in the Related Action. In both actions, Mr. Wright asserts an alleged ownership interest in 137 Beech Ridge Dr, Sewickely, PA 15143, ECF No. 1-1; Related Action, ECF No. 16, and alleges that Defendant somehow interfered with that ownership interest. ECF No. 1-1; Related Action, ECF Nos. 3, 16. Both actions refer to a tax fraud scheme allegedly conducted by Defendant, ECF No. 1-1; Related Action, ECF Nos. 3, 16, 19, and seek return of the property, ECF No. 1-1; Related Action, No. ECF No. 3. On August 5, 2021, the Court dismissed the Related Action with prejudice for failure to state a claim and entered judgment in favor of Defendant. Related Action, ECF Nos. 38, 39. The Court's comparison of the current Complaint against the complaint and documents filed in the Related Action reveals that the instant action is repetitive of the Related Action. Accordingly, the Complaint is frivolous under § 1915 and warrants dismissal. *Porter v. Cancelmi*, 2006 WL 3490589, at **4-7 (W.D. Pa. Dec. 4, 2006) (Hardiman, J.) (dismissing pro se complaint on the basis that it is frivolous because the complaint "is clearly repetitious of another complaint that Plaintiff filed").

III. Conclusion

For the foregoing reasons, it is hereby ORDERED that Plaintiff's Motion to Proceed in Forma Pauperis is GRANTED, and Plaintiff's Complaint is DISMISSED with prejudice for being frivolous under 28 U.S.C. § 1915(e).

DATED this 27th day of March, 2024.

BY THE COURT:

/s/ Christy Criswell Wiegand
CHRISTY CRISWELL WIEGAND
United States District Judge

cc (via United States mail):

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