

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

ALVIN SANDELL,

Plaintiff,

v.

No.: 3:14-cv-34  
(VARLAN/GUYTON)

MIKE UNDERWOOD  
and TIM HEARNS,

Defendants.

**MEMORANDUM**

This *pro se* prisoner's civil rights action under 42 U.S.C. § 1983 was filed *in forma pauperis* in the United States District Court for the Middle District of Tennessee and transferred to this Court. As the Middle District noted in the order of transfer, the claims against the defendants are identical to the claims set forth against the defendants by the plaintiff in a prior complaint that was transferred to this Court from the Middle District and which remains pending. *See Alvin Sandell v. Officers Morrison, Hearne, and Underwood*, Civil Action No. 3:13-cv-677 (E.D. Tenn.). Accordingly, this action will be **DISMISSED** as duplicative. The Court will **CERTIFY** that any appeal from this action would not be taken in good faith and would be totally frivolous. *See* Rule 24 of the Federal Rules of Appellate Procedure.

**AN APPROPRIATE ORDER WILL ENTER.**

s/ Thomas A. Varlan  
CHIEF UNITED STATES DISTRICT JUDGE