

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

KARIM M. AZIM RAZZAQ,

Plaintiff,

vs.

CIVIL ACTION
No. 11-3076-SAC

CORRECTIONS CORPORATION OF AMERICA,
et al.,

Defendants.

MEMORANDUM AND ORDER

This matter is a civil action filed by a Maryland state prisoner. The court has conducted a preliminary screening of the complaint and finds the present action is essentially identical to the complaint in Case No. 10-3123, *Razzaq v. Corrections Corporation of America*.

In each action, plaintiff contends he was injured by another inmate at the Leavenworth Detention Center operated by the Corrections Corporation of America on March 16, 2010, after another inmate was placed in his cell despite plaintiff's protest that the inmate was known to be assaultive. The parties to the two actions are identical, and the relief sought is nearly identical: Case 10-3123 seeks declaratory judgment and compensatory damages of \$150,000.00 and punitive damages of

\$75,000.00 against each defendant; Case No. 11-3076 seeks compensatory damages of \$250,000.00, and punitive damages of \$75,000.00 against each defendant.

"[G]enerally, a suit is duplicative if the claims, parties, and available relief do not significantly differ between the two actions." *Serlin v. Arthur Andersen & Co.*, 3 F.3d 221, 223 (7th Cir.1993) (internal quotation marks and citations omitted). Where such an action is filed by a prisoner proceeding in forma pauperis, the district court may dismiss the matter as frivolous pursuant to § 1915(e)(2)(B)(i). See *McWilliams v. State of Colo.*, 121 F.3d 573, 575 (10th Cir. 1997)(affirming such a dismissal as frivolous).

Accordingly, the court will direct plaintiff to show cause why the present matter should not be dismissed as a duplicative, frivolous action.

IT IS, THEREFORE, BY THE COURT ORDERED plaintiff is granted to and including October 7, 2011, to show cause why this matter should not be dismissed for the reasons set forth. The failure to file a timely response may result in the dismissal of this matter without additional prior notice to the plaintiff.

A copy of this order shall be transmitted to the plaintiff.

IT IS SO ORDERED.

Dated at Topeka, Kansas, this 13th day of September, 2011.

S/ Sam A. Crow
SAM A. CROW
United States Senior District Judge