

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**MICHAEL PAUL SORDEN,**

**Plaintiff,**

**v.**

**CASE NO. 20-3104-SAC**

**JOSIE WAGNER,**

**Defendant.**

**MEMORANDUM AND ORDER**

Plaintiff brings this *pro se* civil rights complaint under 42 U.S.C. § 1983. Plaintiff is housed at the Saline County Jail in Salina, Kansas (“SCJ”). The Court granted Plaintiff leave to proceed *in forma pauperis*. (Doc. 3.) On May 6, 2020, the Court entered a Memorandum and Order and Order to Show Cause (Doc. 4) (“MOSC”) granting Plaintiff until June 1, 2020, in which to show good cause why his Complaint should not be dismissed.

Plaintiff alleges in his Complaint (Doc. 1) that he has been on mental health medication since the age of thirteen and he is now thirty-eight years old. He alleges that he is bipolar and has been diagnosed with PTSD and paranoia with video and audio hallucinations. Plaintiff names Josie Wagner, mental health practitioner, as the sole defendant. He claims Wagner refuses to give Plaintiff his medications and is causing Plaintiff “extreme mental anguish.” Plaintiff seeks “extreme punitive damages” in the amount of \$75,000.

In the MOSC, the Court noted that Plaintiff filed this action on the same day he filed another § 1983 action based on the same facts. *See Sorden v. Miller*, Case No. 20-3103 (filed April 8, 2020). He has also named Defendant Wagner as a defendant in Case No. 20-3103, and makes the same allegations in both cases. “[R]epetitious litigation of virtually identical causes of action may be dismissed under [28 U.S.C.] § 1915 as frivolous or malicious.” *McWilliams v.*

*Colorado*, 121 F.3d 573, 574 (10th Cir. 1997) (quotation marks omitted) (first alteration in original) (affirming district court’s dismissal of suit where “duplicative of earlier action”). The Court directed Plaintiff to show good cause why this case should not be dismissed as duplicative of Case No. 20-3103.

Plaintiff has not filed a response in this case and has not shown good cause why this case should not be dismissed as duplicative. In Case No. 20-3103, Plaintiff filed a response, noting that he filed both cases because he was misguided and stating that he wants to move forward in Case No. 20-3103.

**IT IS THEREFORE ORDERED BY THE COURT** that this matter is **dismissed** as duplicative of Case No. 20-3103.

**IT IS SO ORDERED.**

**Dated June 3, 2020, in Topeka, Kansas.**

**S/ Sam A. Crow**  
**SAM A. CROW**  
**SENIOR U. S. DISTRICT JUDGE**