

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
OHIO, EASTERN DIVISION

Bishop v. Washam

No. 4:26-cv-616 · No. No. 4:26-cv-616 · Decided March 25, 2026

SUMMARY

The United States District Court for the Northern District of Ohio grants James K. Bishop’s motion to proceed in forma pauperis but dismisses his complaint against Scott A. Washam. The court concludes that the complaint is duplicative of a previously filed pending action and therefore frivolous under 28 U.S.C. § 1915(e)(2)(B), and certifies that an appeal could not be taken in good faith.

CASE DETAILS

COURT	United States District Court for the Northern District of Ohio, Eastern Division
WRITING FOR THE COURT	Charles E. Fleming
JURISDICTION	United States District Court for the Northern District of Ohio
DECIDED	March 25, 2026
DOCKET	No. 4:26-cv-616
DISPOSITION	dismissed
PROCEDURAL POSTURE	Pro se plaintiff filed a civil-rights complaint alleging two due-process violations and moved to proceed in forma pauperis. The district court granted in forma pauperis status and screened the complaint sua sponte before service.
STANDARD OF REVIEW	Under 28 U.S.C. § 1915(e)(2)(B), the court must screen an in forma pauperis complaint and dismiss it if it is frivolous or malicious, fails to state a claim, or seeks monetary relief from an immune defendant. The Rule 12(b)(6) standard, as articulated in Ashcroft v. Iqbal and Bell Atlantic Corp. v. Twombly, governs failure-to-state-a-claim dismissals under the statute.
PRECEDENTIAL VALUE	Unpublished district court memorandum opinion and order; persuasive rather than precedential.
PARTIES	James K. Bishop v. Scott A. Washam

TOPICS

prisoners rights

section 1983

civil procedure

motions to dismiss

PRACTICE AREAS

civil procedure

civil rights

prisoner civil rights

QUESTIONS PRESENTED

1. Whether an in forma pauperis complaint that duplicates an identical still-pending action may be dismissed as frivolous under 28 U.S.C. § 1915(e)(2)(B).
2. Whether the court should certify under 28 U.S.C. § 1915(a)(3) that an appeal could not be taken in good faith.

HOLDINGS

1. A duplicative in forma pauperis complaint may be dismissed sua sponte as frivolous under 28 U.S.C. § 1915(e)(2)(B). Because this complaint was identical to a still-pending complaint filed by the same plaintiff against the same defendant asserting the same causes of action, dismissal was warranted.
2. The court certified under 28 U.S.C. § 1915(a)(3) that an appeal from the decision could not be taken in good faith.

KEY QUOTATIONS

“The Court finds that Plaintiff’s complaint warrants dismissal as frivolous pursuant to § 1915(e)(2)(B) because it is duplicative.” (Section III)

“Accordingly, Plaintiff’s duplicative complaint will be sua sponte dismissed as frivolous.” (Section III)

FACTUAL BACKGROUND

Bishop filed a pro se complaint against Washam asserting two claims for denial of due process. The court found that the complaint was word-for-word identical, involved the same parties and causes of action, and duplicated a complaint Bishop had previously filed in the Northern District of Ohio that remained pending.

PROCEDURAL HISTORY

Bishop filed this action against Washam in the Northern District of Ohio. The court granted the motion to proceed in forma pauperis, determined that the complaint was identical to a still-pending complaint previously filed by Bishop in the same district, dismissed the action as frivolous under 28 U.S.C. § 1915(e)(2)(B), and certified that an appeal could not be taken in good faith.

DISPOSITION

dismissed

CASES CITED

- Hill v. Lappin, 630 F.3d 468, 470–71 (6th Cir. 2010)
- Ashcroft v. Iqbal, 556 U.S. 662 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544 (2007)
- Belser v. Washington, No. 16-2634, 2017 WL 5664908, at *1–2 (6th Cir. Sept. 13, 2017)
- Peoples v. Reno, No. 00-1086, 2000 U.S. App. LEXIS 24779, 2000 WL 1477502, at *1 (6th Cir. Sept. 26, 2000)
- Cummings v. Mason, No. 1:11-cv-649, 2011 U.S. Dist. LEXIS 75474, 2011 WL 2745937, at *1 (W.D. Mich. July 13, 2011)
- Nichols v. Kaure, No. 23-12286, 2024 LX 241711, at *3–5 (E.D. Mich. Jan. 9, 2024)

OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO EASTERN DIVISION JAMES K. BISHOP,) CASE NO. 4:26-cv-616) Plaintiff,) JUDGE CHARLES E. FLEMING) v.)) SCOTT A. WASHAM,) MEMORANDUM OPINION AND) ORDER Defendant.)) I. INTRODUCTION Pro se Plaintiff James K. Bishop has filed a civil complaint against Defendant Scott A. Washam, asserting two claims for denial of due process.

(ECF No. 1). With his complaint, Plaintiff filed a motion to proceed in forma pauperis (“IFP Motion”). (ECF No. 2). The IFP Motion is GRANTED. For the reasons discussed below, Plaintiff’s complaint is DISMISSED. II. STANDARD OF REVIEW Plaintiff is proceeding in forma pauperis, so his complaint is subject to initial screening under 28 U.S.C. § 1915(e)(2)(B).

Under that statute, federal district courts are expressly required to screen all in forma pauperis complaints filed in federal court, and to dismiss before service any such complaint that the court determines is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary damages from a defendant who is immune from such relief.

See Hill v. Lappin, 630 F.3d 468, 470–71 (6th Cir. 2010) (holding that the dismissal standard articulated in Ashcroft v. Iqbal, 556 U.S. 662 (2009) and Bell Atl. Corp. v. Twombly, 550 U.S. 544 (2007) for determining a motion to dismiss under Fed. R. Civ. P. 12 (b)(6) governs dismissals for failure to state a claim under 28 U.S.C. § 1915(e)(2)(B)). III. DISCUSSION The Court finds that Plaintiff’s complaint warrants dismissal as frivolous pursuant to § 1915(e)(2)(B) because it is duplicative.

The complaint filed in this case is identical (word for word with the same parties and causes of action) to a complaint previously filed by Plaintiff in another case in this District, which is still pending. Compare Compl. Bishop v. Washam, No. 4:26- cv-1 (N.D. Ohio Jan. 2, 2026) (Pearson, J.), with (ECF No. 1).

Under Sixth Circuit precedent, district courts may dismiss duplicative actions as frivolous under § 1915(e). See, e.g., Belser v. Washington, No. 16-2634, 2017 WL 5664908, *1–2 (6th Cir. Sept. 13,

2017) (citing cases and affirming district court's dismissal of duplicative case as frivolous in accordance with § 1915(e)(2)(B)); *Peoples v. Reno*, No. 00-1086, 2000 U.S. App.

LEXIS 24779, 2000 WL 1477502, at *1 (6th Cir. Sept. 26, 2000); see also *Cummings v. Mason*, No. 1:11-cv-649, 2011 U.S. Dist. LEXIS 75474, 2011 WL 2745937, at *1 (W.D. Mich. July 13, 2011) (holding that a “complaint that merely repeats pending or previously litigated claims may be dismissed under 28 U.S.C. § 1915(e)(2)(i) as frivolous or malicious”); *Nichols v. Kaure*, No. 23-12286, 2024 LX 241711, at *3–5 (E.D.

Mich. Jan. 9, 2024) (collecting cases). Accordingly, Plaintiff's duplicative complaint will be sua sponte dismissed as frivolous. IV. CONCLUSION For the foregoing reasons, Plaintiff's complaint is DISMISSED pursuant to 28 U.S.C. §1915(e).

The Court CERTIFIES, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith. IT IS SO ORDERED. Date: March 25, 2026
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CHARLES E.FLEMING —TM UNITED STATES DISTRICT JUDGE