

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Kern v. Patel

Case No. 25-cv-01881-CRB (PR) (N.D. Cal. Mar. 20, 2025) · No. 25-cv-01881-CRB (PR) · Decided March 20, 2025

SUMMARY

The United States District Court for the Northern District of California dismissed James Curtis Kern’s 42 U.S.C. § 1983 complaint against Dr. Samit Patel as duplicative and abusive under 28 U.S.C. § 1915A(b). The court found that the same allegations were being litigated in an earlier action and directed the clerk to close the case and terminate pending motions as moot.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Charles R. Breyer
JURISDICTION	United States District Court for the Northern District of California
DECIDED	March 20, 2025
DOCKET	25-cv-01881-CRB (PR)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff, a state prisoner proceeding pro se, filed a 42 U.S.C. § 1983 complaint alleging inadequate medical treatment. The district court dismissed the complaint at screening under 28 U.S.C. § 1915A as duplicative and abusive.
STANDARD OF REVIEW	Screening review under 28 U.S.C. § 1915A.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status unknown.
PARTIES	James Curtis Kern v. Dr. Samit Patel

TOPICS

- prisoners rights
- section 1983
- pleadings
- civil procedure

PRACTICE AREAS

- Civil procedure
- Prisoner civil rights
- Federal pleading and screening

QUESTIONS PRESENTED

1. Whether a prisoner complaint repeating claims raised in a pending or previously litigated action may be dismissed as duplicative and abusive under 28 U.S.C. § 1915A.
2. Whether naming a new defendant in a later-filed complaint prevents dismissal when the allegations and claims duplicate those in an earlier action.

HOLDINGS

1. A prisoner complaint that repeats claims raised in a pending or previously litigated action may be deemed duplicative and abusive and dismissed under 28 U.S.C. § 1915A.
2. Naming a new defendant in a later-filed complaint does not prevent dismissal as duplicative and abusive when the complaint repeats the same allegations and claims asserted in an earlier action.

KEY QUOTATIONS

“That plaintiff names a new doctor defendant in this later-filed action does not compel a different result.” (at 2)

“For the foregoing reasons, plaintiff’s complaint against Dr. Patel is DISMISSED as duplicative and abusive under the authority of 28 U.S.C. § 1915A(b).” (at 2)

FACTUAL BACKGROUND

Plaintiff, an inmate at Pelican Bay State Prison, alleged that prison doctors denied him adequate treatment for a painful forearm lesion or mass by canceling or interfering with scheduled preoperative and specialist appointments. He alleged that the doctors instead treated him with NSAIDs to which he was allergic. The court found that these allegations and claims were the same as those raised in a previously filed and still-pending prisoner action.

PROCEDURAL HISTORY

Kern had previously filed a prisoner complaint asserting the same allegations, which was ordered served on several doctor defendants in *Kern v. Goller*. He also had filed a prior action against Dr. Patel that was dismissed as duplicative and abusive. The court concluded that the present complaint repeated claims being litigated in the earlier action and dismissed it, directed the clerk to close the case, and terminated pending motions as moot.

DISPOSITION

dismissed

CASES CITED

- *Kern v. Goller*, No. 24-cv-7094-CRB (PR) (N.D. Cal. Jan. 16, 2025)
- *Cato v. United States*, 70 F.3d 1103, 1105 n.2 (9th Cir. 1995)
- *Bailey v. Johnson*, 846 F.2d 1019, 1021 (5th Cir. 1988)

- Kern v. Patel, No. 24-cv-9353-CRB (PR) (N.D. Cal. Jan. 17, 2025)

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