

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ALEXANDER JAMES CURRY,

Plaintiff,

v.

Case No.: 2:24-cv-900-SPC-NPM

AUBREY L. THORNE,

Defendant.

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OPINION AND ORDER

Before the Court is Plaintiff Alexander James Curry's Complaint (Doc.

1). Curry is a prisoner of the Florida Department of Corrections, and he sues corrections officer Aubrey Thorne for excessive use of force. Curry filed this action in the Southern District of Florida, but because the alleged use of force occurred in a county served by this Court, the action was transferred here.

Curry has another case pending in this Court stemming from the same allegations—*Curry v. Thorne*, M.D. Fla. Case No. 2:24-cv-802-SPC-KCD. The Eleventh Circuit explained how federal courts treat duplicative civil actions:

It is well established that as between federal courts, the general principle is to avoid duplicative litigation. This doctrine rests on considerations of wise judicial administration, giving regard to conservation of judicial resources and comprehensive disposition of litigation. Although no precise test has been articulated for making this determination, the general rule is that a suit is duplicative of another suit if the parties, issues and available relief do not significantly differ between the two actions. Trial courts are

afforded broad discretion in determining whether to stay or dismiss litigation in order to avoid duplicating a proceeding already pending in another federal court.

I.A. Durbin, Inc. v. Jefferson Nat. Bank, 793 F.2d 1541, 1552 (11th Cir. 1986) (cleaned up). Because Curry's two lawsuits are based on the same factual allegations, the Court will dismiss this action as duplicative. The dismissal will have no effect on Case No. 2:24-cv-802-SPC-KCD.

Accordingly, it is now

ORDERED:

Plaintiff Alexander James Curry' Complaint (Doc. 1) is **DISMISSED**. The Clerk is **DIRECTED** to terminate any pending motions and deadlines, enter judgment, and close this case.

DONE and **ORDERED** in Fort Myers, Florida on October 15, 2024.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

SA: FTMP-1

Copies: All Parties of Record