

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

BRIAN KEITH ROBERTS,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 5:25-cv-419-MTT-ALS
	:	
Warden ANGELA PHAMS, et al.,	:	
	:	
Defendants.	:	

ORDER

Presently pending before the Court is a Complaint (ECF No. 1) filed by *pro se* Plaintiff Brian Keith Roberts, an inmate in the Riverbend Correctional Facility in Milledgeville, Georgia, seeking relief pursuant to 42 U.S.C. § 1983. In his Complaint, Plaintiff raises claims concerning his treatment at Riverbend. ECF No. 1 at 5. A review of Court records reveals that Plaintiff previously filed a similar complaint about the conditions of his confinement against the same Defendants that was recently removed to this Court, *Roberts v. Phams*, 5:25-cv-476-MTT-CHW (M.D. Ga. Oct. 30, 2025) (“*Roberts P*”).

“As part of its general power to administer its docket, a district court may stay or dismiss a suit that is duplicative” of one already pending in federal court. *Curtis v. Citibank*, 226 F.3d 133, 138 (2d Cir. 2000). “[A] suit is duplicative of another suit if the parties, issues and available relief do not significantly differ between the two actions.” *I.A. Durbin, Inc. v. Jefferson Nat'l Bank*, 793 F.2d 1541, 1551 (11th Cir. 1986). “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.” *Id.* at 1551-52.

Each of the parties named as defendants in the above-captioned action have also been named as defendants in *Roberts I*, and the claims raised in this case appear the same as those set forth in *Roberts I*. In addition, the Court recently directed Plaintiff to recast his complaint in *Roberts I* so it contains all the related claims he wishes to bring. *See generally* ECF No. 4 in *Roberts I*. Thus, if there are any claims that Plaintiff raises in the above-captioned action that he did not raise in *Roberts I*, he may include those claims as he is recasting his complaint.

In short, because the present action is duplicative of one also pending in this Court, it shall be **DISMISSED without prejudice**. Plaintiff’s pending motion to proceed *in forma pauperis* (ECF No. 3) and his motion to appoint counsel (ECF No. 4) are **DENIED as moot**.

SO ORDERED, this 21st day of November, 2025.

S/ Marc T. Treadwell
MARC T. TREADWELL, JUDGE
UNITED STATES DISTRICT COURT