

UNPUBLISHED**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

No. 24-1390

GARY JONES,

Plaintiff - Appellant,

v.

DARRELL MOORE; PAMELA LEE; MS. ALANA, (BCOPO) Chief's Secretary;
CPL. KENNEDY; JEAN SLATTERY, Lt.,

Defendants - Appellees.

Appeal from the United States District Court for the District of Maryland, at Baltimore.
Julie R. Rubin, District Judge. (1:23-cv-01718-JRR)

Submitted: July 30, 2024

Decided: August 1, 2024

Before NIEMEYER, AGEE, and HEYTENS, Circuit Judges.

Affirmed by unpublished per curiam opinion.

Gary Jones, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Gary Jones appeals the district court's order dismissing as duplicative Jones' civil complaint. We have reviewed the record and find no reversible error. Accordingly, we affirm the district court's order. *Jones v. Moore*, No. 1:23-cv-01718-JRR (D. Md. Apr. 11, 2024). We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED

FILED: August 1, 2024

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Defendants - Appellees

JUDGMENT

In accordance with the decision of this court, the judgment of the district court is affirmed.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ NWAMAKA ANOWI, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

GARY JONES, *

Plaintiff *

v. * Civil Action No. JRR-23-1718

DARRELL MOORE, et al., *

Defendants. *

ORDER

The above-captioned case was opened upon receipt of a Complaint on June 23, 2024. ECF No. 1. The Complaint is identical to an amended complaint filed pursuant to the Court's direction in *Jones v. Moore*, Civil Action No. JRR-23-856 at ECF No. 23 on the same day. In federal district courts, "the general principle is to avoid duplicative litigation." *Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800, 817 (1976) (citations omitted). Thus, the instant suit shall be dismissed. *See Sensormatic Sec. Corp. v. Sensormatic Elecs. Corp.*, 452 F. Supp. 2d 621, 626 (D. Md. 2006) ("It is undisputed that it is within a district court's power to . . . dismiss a suit that is duplicative of another federal court suit."), *aff'd*, 273 F. App'x 256 (4th Cir. 2008).

Also pending are Plaintiff's Motion to Appoint Counsel (ECF No. 5), Motion to Order the Baltimore County Police Department to Provide Copies of Documents (ECF No. 6), and Motion to Order the State Court not to be Incarcerated within the General Population (ECF No. 7). Because this case will be dismissed, the Motions will be denied as moot.¹

¹ Even if the case was not being dismissed, the pending motions would be denied. As to the Motion to Appoint Counsel, a federal district court judge's power to appoint counsel under 28 U.S.C. § 1915(e)(1) is a discretionary one and may be considered where an indigent claimant presents exceptional circumstances, which have not been demonstrated here. *See Cook v. Bounds*, 518 F.2d 779, 780 (4th Cir. 1975); *see also Branch v. Cole*, 686 F.2d 264, 266 (5th Cir. 1982). As to Plaintiff's remaining Motions, this federal district court has no mandamus jurisdiction over State employees, such as the Baltimore County Police Department or any Maryland State Court. *Gurley v. Superior Court of Mecklenburg Cty.*, 411 F.2d 586, 587 (4th Cir. 1969). To the extent that Plaintiff's Motion to Order Baltimore County Police Department to Provide Copies of Documents could be construed as a Motion for Discovery, discovery

Accordingly, it is this 11th day of April, 2024, by the United States District Court for the District of Maryland, hereby ORDERED that:

1. The Complaint IS DISMISSED;
2. Plaintiff's Motions to Appoint Counsel (ECF No. 5), Motion to Order the Baltimore County Police Department to Provide Copies of Documents (ECF No. 6), and Motion to Order the State Court not to Incarcerate Plaintiff with the General Population (ECF No. 7) ARE DENIED as moot;
3. The Clerk SHALL PROVIDE a copy of this Order to Plaintiff; and
4. The Clerk SHALL CLOSE this case.

/S/

Julie R. Rubin
United States District Judge

may not commence before Defendants have answered or otherwise responded to the Complaint, and then only after a Scheduling Order has been issued by this Court. *See* Local Rule 104.4 (D. Md. 2023).

FILED: September 20, 2024

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Plaintiff - Appellant

v.

DARRELL MOORE; PAMELA LEE; MS. ALANA, (BCOPO) Chief's Secretary;
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Defendants - Appellees

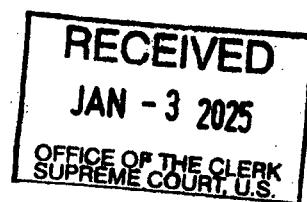
O R D E R

The court denies the petition for rehearing and rehearing en banc. No judge requested a poll under Fed. R. App. P. 35 on the petition for rehearing en banc.

Entered at the direction of the panel: Judge Niemeyer, Judge Agee, and Judge Heytens.

For the Court

/s/ Nwamaka Anowi, Clerk



APPENDIX *JA*