

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 19-5151

September Term, 2019

1:19-cv-00649-UNA

Filed On: September 23, 2019

Dianne Michele Carter,

Appellant

v.

Director, U.S. Marshals Service,

Appellee

**ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BEFORE: Henderson and Tatel, Circuit Judges, and Sentelle, Senior Circuit Judge

J U D G M E N T

This appeal was considered on the record from the United States District Court for the District of Columbia and on the brief filed by appellant. See Fed. R. App. P. 34(a)(2); D.C. Cir. Rule 34(j). It is

ORDERED AND ADJUDGED that the district court’s April 26, 2019 order be affirmed. The district court did not abuse its discretion in dismissing appellant’s complaint. The court correctly concluded that the complaint filed by appellant in Carter v. Pellicane, No. 3:19-cv-00104 (W.D.N.C. Mar. 4, 2019), is identical in substance to appellant’s complaint in the present case. See, e.g., Handy v. Shaw, Bransford, Veilleux & Roth, 325 F.3d 345, 349-50 (D.C. Cir. 2003) (courts disfavor “parallel litigation in two federal district courts,” especially where “the issues [in two complaints] arise out of the same transaction”); WMATA v. Ragonese, 617 F.2d 828, 830 (D.C. Cir. 1980) (“Considerations of comity and orderly administration of justice dictate that two courts of equal authority should not hear the same case simultaneously.”). Although the defendants named in the two complaints are not identical, they are “substantially the same” for the purpose of avoiding duplicative parallel litigation. Hilton Hotels Corp. v. Weaver, 325 F.2d 1010, 1010 (D.C. Cir. 1963) (per curiam). The defendants in the complaint filed in the Western District of North Carolina are two officers of the U.S.

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Marshals Service, as well as the U.S. Marshals Service's office located in that district, while the defendant in the present complaint is the Director of the U.S. Marshals Service. See UtahAmerican Energy, Inc. v. Dep't of Labor, 685 F.3d 1118, 1124-25 (D.C. Cir. 2012) (concluding that parallel litigation on the same subject in two different courts was not appropriate where the defendant in one case (the Mine Safety and Health Administration) was a component of the defendant in the other (the Department of Labor)).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

FOR THE COURT:
Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk