

United States Court of Appeals for the Fifth Circuit

No. 24-50537
Summary Calendar

United States Court of Appeals
Fifth Circuit

FILED

October 21, 2024

Lyle W. Cayce
Clerk

ABRAHAM PINZON,

Plaintiff—Appellant,

versus

UNITED STATES DEPARTMENT OF HEALTH AND HUMAN
SERVICES; CALIFORNIA DEPARTMENT OF HEALTH CARE
SERVICES; MENDOCINO COUNTY HEALTH AND HUMAN
SERVICES AGENCY,

Defendants—Appellees.

Appeal from the United States District Court
for the Western District of Texas
USDC No. 1:24-CV-320

Before SMITH, STEWART, and DUNCAN, *Circuit Judges.*

PER CURIAM:*

Abraham Pinzon appeals the with-prejudice dismissal of his 42 U.S.C. §§ 1983, 1985, and 1986 claims against the United States Department of Health and Human Services, the California Department of Health Care

* This opinion is not designated for publication. *See* 5TH CIR. R. 47.5.

No. 24-50537

Services, and Mendocino County Health and Human Services Agency. Pinzon contends the district court erred in dismissing his *in forma pauperis* complaint as frivolous and malicious under 28 U.S.C. § 1915(e)(2)(B)(i). We AFFIRM.

We review a dismissal under § 1915(e)(2)(B)(i) for abuse of discretion. *Brewster v. Dretke*, 587 F.3d 764, 767 (5th Cir. 2009). Under this subsection, the court shall *sua sponte* dismiss any *in forma pauperis* action it finds “frivolous or malicious.” An action is “malicious” if, *inter alia*, it “duplicates allegations of another pending federal lawsuit by the same plaintiff.” *Pittman v. Moore*, 980 F.2d 994, 995 (5th Cir. 1993).

Adopting the magistrate judge’s recommendation, the district court dismissed Pinzon’s suit because he has brought the same conspiracy claims against the same defendants in four other suits, including one still pending in the Eastern District of California. *See Pinzon v. Cal. Dep’t of Health Care Servs.*, No. 2:23-cv-0008, 2024 WL 557761 (E.D. Cal. Feb. 12, 2024); *Pinzon v. Leoz*, No. 3:22-cv-07277 (N.D. Cal. Feb. 1, 2023); *Pinzon v. U.S. Dep’t of Health & Hum. Servs.*, No. 1:23-cv-02012, 2023 WL 5275124 (D.D.C. Aug. 15, 2023); *Pinzon v. Soc. Sec. Admin.*, No. JRR-23-2714, 2023 WL 6643314 (D. Md. Oct. 12, 2023), *aff’d*, No. 23-2182, 2024 WL 863662 (4th Cir. Feb. 29, 2024). On appeal, Pinzon fails to address the grounds on which his suit was dismissed.

Accordingly, the district court did not abuse its discretion by dismissing Pinzon’s suit under § 1915(e)(2)(B)(i). The court’s judgment is AFFIRMED, and all pending motions are DENIED AS MOOT.

Additionally, in light of threatening statements in Pinzon’s appellate brief, Pinzon is WARNED that any further frivolous, repetitive, or otherwise abusive filings will invite imposition of sanctions, which may

No. 24-50537

include dismissal, monetary sanctions, and restrictions on his ability to file pleadings in this court and any court subject to this court's jurisdiction.