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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

<p>WILLIAM THOMAS COATS,</p> <p>Plaintiff - Appellant,</p> <p>v.</p> <p>MICHAEL FOX; et al.,</p> <p>Defendants - Appellees.</p>

No. 10-16925

D.C. No. 2:09-cv-01301-MCE-GGH

MEMORANDUM*

Appeal from the United States District Court
for the Eastern District of California
Morrison C. England, Jr., District Judge, Presiding

Submitted November 21, 2011**

Before: TASHIMA, BERZON, and TALLMAN, Circuit Judges.

William Thomas Coats, a California state prisoner, appeals pro se from the district court’s judgment dismissing his 42 U.S.C. § 1983 action alleging deliberate indifference to his serious medical needs. We have jurisdiction under 28 U.S.C.

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The panel unanimously concludes this case is suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

§ 1291. We review de novo a district court’s dismissal on the basis of res judicata, *Stewart v. U.S. Bancorp*, 297 F.3d 953, 956 (9th Cir. 2002), and for an abuse of discretion a district court’s decision to dismiss a duplicative action, *Adams v. Cal. Dep’t of Health Servs.*, 487 F.3d 684, 688 (9th Cir. 2007). We affirm.

The district court properly dismissed the action as to defendants Swingle, Nepumuceno and Miranda as barred by the doctrine of res judicata because identical claims against these defendants were adjudicated and dismissed in Coats’s prior action. *See Stewart*, 297 F.3d at 956 (describing elements of res judicata).

The district court did not abuse its discretion by dismissing the action as to defendant Fox because it was duplicative of Coats’s ongoing action against Fox. *See Adams*, 487 F.3d at 688 (“Plaintiffs generally have no right to maintain two separate actions involving the same subject matter at the same time in the same court and against the same defendant.” (citation and internal quotation marks omitted)).

AFFIRMED.