



1 findings and recommendations were served on plaintiff and contained notice that any objections  
2 thereto were to be filed within fifteen days of service of the order. (*Id.*) On January 29, 2016,  
3 plaintiff filed his objections. (Doc. No. 28.)

4 In his objections, plaintiff contends that the assigned magistrate judge erred in referring to  
5 his related lawsuit (*Forte v. Merced County*, Case No. 1:11-cv-318-AWI-BAM (E.D. Cal.) —  
6 dismissed with prejudice), while failing to refer to his other lawsuit (*Forte v. Merced County*,  
7 Case No. 1:11-cv-718-AWI-BAM (E.D. Cal.), where the jury awarded what plaintiff  
8 characterizes as “rare punitive damages.” (Doc. No. 28 at 3-4.) As noted by the magistrate  
9 judge, the court may take notice of facts that are capable of accurate and ready determination by  
10 resort to sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b); *United*  
11 *States v. Bernal-Obeso*, 989 F.2d 331, 333 (9th Cir. 1993). The court’s docket is a source whose  
12 accuracy cannot reasonably be questioned, and judicial notice may be taken of court records.  
13 *Mullis v. United States Bank. Ct.*, 828 F.2d 1385, 1388 n.9 (9th Cir. 1987); *Valerio v. Boise*  
14 *Cascade Corp.*, 80 F.R.D. 626, 635 n. 1 (N.D. Cal. 1978), *aff’d*, 645 F.2d 699 (9th Cir. 1981).

15 It was not error for the magistrate judge to refer to previous actions filed by plaintiff<sup>1</sup> in  
16 which he asserted the same causes of action that he has attempted to present in this action in  
17 determining whether his instant complaint is barred by res judicata. That plaintiff received a  
18 punitive damages award in a different action on a different claim, obviously has no bearing on  
19 whether plaintiff’s first claim for relief in the instant complaint is barred by res judicata.  
20 Plaintiff’s remaining objections to the findings and recommendations do not address the  
21 underlying determination by the assigned magistrate judge that plaintiff’s other claims for relief  
22 presented in his instant complaint fail to state cognizable claims and provide no basis upon which  
23 to award him the monetary relief he seeks.

24 In accordance with the provisions of Title 28 of the United States Code section  
25 636(b)(1)(c), this court has conducted a *de novo* review of the case. Having carefully reviewed  
26 the entire file, the court finds that the findings and recommendations are supported by the record  
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28 <sup>1</sup> As acknowledged by plaintiff, he is a frequent litigator in this court.


1 and proper analysis.

2 Based upon the foregoing:

- 3 1. The Findings and Recommendations (Doc. No. 27), filed January 13, 2016, are  
4 ADOPTED IN FULL;
- 5 2. Plaintiff's Claim 1 is DISMISSED with prejudice, based upon the res judicata doctrine  
6 as to defendants Merced County, Larry Morse, Mark Pazin, Alan Turner, James  
7 Fincher, James Padron, Jerry O' Banion, Merced County Deputies Chris Jaskowiak,  
8 Chris Picinich, Mike Hill, Adam Leuchner, Merced County Sherriff's Department,  
9 Merced County Counsel's Office, City of Los Banos, LB Chief Gary Brizzee, LB  
10 Officer Anthony Parker, McLatchy Newspapers, and Corey Pride;
- 11 3. Plaintiff is granted leave to file a second amended complaint within thirty (30) days  
12 from the date of service of this order;
- 13 4. Any second amended complaint plaintiff may elect to file is limited to 25 pages,  
14 exclusive of exhibits and will be stricken from the record if it violates this page  
15 limitation; and
- 16 5. If plaintiff fails to file a second amended complaint within the time provided herein,  
17 this action will be dismissed for failure to prosecute and failure to obey a court order.

18 IT IS SO ORDERED.

19 Dated: February 25, 2016

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22 UNITED STATES DISTRICT JUDGE  
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