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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANTHONY B. TILLMAN,

Plaintiff,

No. CIV S11-1011 MCE DAD P

vs.

BOARD OF PAROLE HEARINGS,

Defendant.

FINDINGS & RECOMMENDATIONS

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Plaintiff is a state prisoner proceeding pro se. Plaintiff initiated this action by filing his complaint with this court on April 15, 2011. Therein plaintiff alleges that the California Board of Parole Hearings denied him his constitutional rights by failing to provide him with a fair parole hearing on an unspecified. (Doc. No. 1 at 3.) Plaintiff also alleges that he has brought two prior lawsuits against the Board for failing to provide him a fair parole hearing and denying him parole but, without explanation, has failed to provide the specifics with respect to those prior actions. (Id. at 2-3.) However, the court’s own records reveal that on January 26, 2011, plaintiff filed a complaint containing virtually identical allegations to those presented in this complaint against the same defendant. (See Case No. 1:11-cv-0138 LJO-SMS PC ).<sup>1</sup> That earlier filed action was dismissed for failure to state a claim and that plaintiff’s appeal of that

<sup>1</sup> A court may take judicial notice of court records. See MGIC Indem. Co. v. Weisman, 803 F.2d 500, 505 (9th Cir. 1986); United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980).

1 judgment was found to be untimely and was dismissed for lack of jurisdiction. Due to the  
2 duplicative nature of the present action, the court will recommend that the complaint in this  
3 action be dismissed.

4 In accordance with the above, IT IS HEREBY RECOMMENDED that this action  
5 be dismissed without prejudice. See Fed. R. Civ. P. 41(b).

6 These findings and recommendations are submitted to the District Judge assigned  
7 to this case pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being  
8 served with these findings and recommendations, plaintiff may file written objections with the  
9 court. The document should be captioned “Objections to Magistrate Judge’s Findings and  
10 Recommendations.” Any response to the objections shall be filed and served within fourteen  
11 days after service of the objections. Plaintiff is advised that failure to file objections within the  
12 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951  
13 F.2d 1153 (9th Cir. 1991).

14 DATED: November 28, 2011.

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18 DALE A. DROZD  
19 UNITED STATES MAGISTRATE JUDGE

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19 till1011.23