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

COURTNEY WILLIAMS,

Petitioner,

No. 2:11-cv-2870 KJN P

vs.

VIRGA,

Respondent.

ORDER and

FINDINGS AND RECOMMENDATIONS

_____ /

Petitioner, a state prisoner proceeding without counsel, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The court’s records reveal that petitioner previously filed an identical petition in Williams v. Virga, Case No. 2:11-cv-2853 EFB P.¹ Due to the duplicative nature of the present action, the court finds it frivolous and, therefore, will recommend dismissal of the instant petition. 28 U.S.C. § 1915(d).


Accordingly, IT IS HEREBY ORDERED that the Clerk of Court randomly assign a district judge to this action.

In addition, for the foregoing reasons, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the District Judge assigned to this case pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being

1 served with these findings and recommendations, petitioner may file written objections with the
2 court. The document should be captioned "Objections to Magistrate Judge's Findings and
3 Recommendations." Any response to the objections shall be filed and served within fourteen
4 days after service of the objections. Petitioner is advised that failure to file objections within the
5 specified time may waive the right to appeal the District Court's order. Martinez v. Ylst, 951
6 F.2d 1153 (9th Cir. 1991).

7 DATED: November 7, 2011

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10 KENDALL J. NEWMAN
11 UNITED STATES MAGISTRATE JUDGE

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