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

ISABEL TUBACH,

Plaintiff,

No. 2:12-cv-2830 KJN P

vs.

JERRY BROWN,

Defendant.

ORDER AND

FINDINGS & RECOMMENDATIONS

\_\_\_\_\_ /

Plaintiff is a state prisoner proceeding without counsel. Plaintiff's complaint was filed with the court on November 19, 2012. The court's own records reveal that on April 24, 2012, plaintiff filed a complaint containing virtually identical allegations against defendant Brown. (No. 2:01-cv-0649 MJS P ).<sup>1</sup> Due to the duplicative nature of the present action, the court will recommend that the complaint be dismissed.<sup>2</sup>

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to assign a district judge to this case; and

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<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).

<sup>2</sup> The court notes that plaintiff raised similar allegations against defendant Brown in Case Nos. 1:12-cv-1369 DLB and 1:12-cv-01373 GBC.

1 IT IS RECOMMENDED that this action be dismissed without prejudice. See  
2 Fed. R. Civ. P. 41(b).

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

10 DATED: December 4, 2012

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KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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