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

ISABEL TUBACH,

Plaintiff,

No. 2:12-cv-2830 WBS KJN P

vs.

JERRY BROWN,

Defendant.

AMENDED¹ 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. 1:12-cv-0649 MJS P).² Due to the duplicative nature of the present action, the court will recommend that the complaint be dismissed.³

¹ The case number referred to in the December 5, 2012 findings and recommendations contained a typographical error. Thus, the December 5, 2012 findings and recommendations are vacated, and these amended findings and recommendations provide the corrected case number.

² 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).


³ 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 Accordingly, IT IS HEREBY ORDERED that the December 5, 2012 findings and
2 recommendations are vacated; and

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

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

12 DATED: December 6, 2012

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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