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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GEORGE DAVID RANKIN,
Petitioner,

v.

THE PEOPLE,

Respondent.

No. 2:16-cv-0992-EFB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Petitioner is a county prisoner proceeding without counsel on a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Examination of this action and the court’s records reveals that the petitioner is already proceeding with a petition for relief in the same matter. *See Rankin v. Honea*, No. 2:16-cv-566-MCE-AC (E.D. Cal.).

A suit is duplicative if the “claims, parties, and available relief do not significantly differ between the two actions.” *Barapind v. Reno*, 72 F. Supp. 2d 1132, 1145 (E.D. Cal. 1999) (quoting *Ridge Gold Standard Liquors, Inc. v. Joseph E. Seagram & Sons, Inc.*, 572 F. Supp. 1210, 1213 (N.D. Ill. 1983)). “When a complaint involving the same parties and issues has already been filed in another federal district court, the court has discretion to abate or dismiss the second action. *Id.* at 1144 (citation omitted). “Federal comity and judicial economy give rise to rules which allow a district court to transfer, stay, or dismiss an action when a similar complaint has already been filed in another federal court.” *Id.* at 1145 (citation omitted). “[I]ncreasing

1 calendar congestion in the federal courts makes it imperative to avoid concurrent litigation in
2 more than one forum whenever consistent with the right of the parties.” *Crawford v. Bell*, 599
3 F.2d 890, 893 (9th Cir. 1979).

4 Due to the duplicative nature of the present action, this action should be dismissed and
5 petitioner should proceed on the action he initially commenced.

6 Accordingly, it is hereby ORDERED that the Clerk of the Court shall randomly assign a
7 United States District Judge to this action.

8 Further, it is hereby RECOMMENDED that this action be dismissed.

9 These findings and recommendations are submitted to the United States District Judge
10 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
11 after being served with these findings and recommendations, any party may file written
12 objections with the court and serve a copy on all parties. Such a document should be captioned
13 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections
14 shall be served and filed within fourteen days after service of the objections. Failure to file
15 objections within the specified time may waive the right to appeal the District Court’s order.
16 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir.
17 1991). In his objections petitioner may address whether a certificate of appealability should issue
18 in the event he files an appeal of the judgment in this case. *See* Rule 11, Rules Governing Section
19 2254 Cases (the district court must issue or deny a certificate of appealability when it enters a
20 final order adverse to the applicant).

21 DATED: June 14, 2016.

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23 EDMUND F. BRENNAN
24 UNITED STATES MAGISTRATE JUDGE
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