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

SHAUN DARNELL GARLAND,

Plaintiff,

CV F 06 0270 OWW WMW P

vs.

_____ FINDINGS AND RECOMMENDATION

A. K. SCRIBNER, et al.,

Defendants.

Plaintiff is a state prisoner proceeding pro se. This action was filed in Sacramento on February 27, 2006, and transferred to this court on March 3, 2006. On February 22, 2006, plaintiff filed in this court civil action no. CV F 06 00198 OWW LJO P, Shaun Darnell Garland v. A. K. Scribner, et al.. A review of the action filed on February 22, 2006, reveals that the complaint is duplicative of the complaint in this action.

Plaintiff is advised that if he desires to proceed with two separate actions, he will be obligated to pay the \$250 filing fee for each case, incurring a total liability of \$500. Orders will be entered directing the California Department of Corrections to collect and forward to the court the filing fee from plaintiff's inmate trust account.

The court will recommend that this action (no. CV F 06 270 OWW WMW P) be dismissed as duplicative. Should this action be dismissed as duplicative, plaintiff will not incur

1 the \$250 filing fee for this case. If plaintiff fails to file objections, this action will be dismissed
2 as duplicative, without any financial obligation. Accordingly, IT IS HEREBY
3 RECOMMENDED that this action be dismissed without prejudice as duplicative.

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

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12
13 IT IS SO ORDERED.

14 **Dated: March 16, 2006**
mmkd34

/s/ William M. Wunderlich
UNITED STATES MAGISTRATE JUDGE