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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

ANTHONY L. KING,

Plaintiff,

v.

OLGA BEREGOVSKAYA, et al.,

Defendants.

CASE NO. 1:09-cv-01215-AWI-GBC PC

FINDINGS AND RECOMMENDATIONS  
RECOMMENDING DISMISSING ACTION AS  
DUPLICATIVE

TWENTY DAY DEADLINE

Plaintiff Anthony L. King (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Defendants removed this action, which was filed in Kings County Superior Court, on July 10, 2009. (Doc. 1.) Plaintiff’s request for remand was denied March 22, 2010. (Doc. 8.) On December 6, 2010, Defendants filed a notice of related case, 1:09-cv-00016-DLB. (Doc. 12.)

Upon review of the cases, the Court has concluded that the complaint removed by Defendants to this court on July 10, 2009, is substantively identical to the action that is proceeding in the case, King v. M. Biggs, et al., 1:09-cv-00-16-DLB. In light of the duplicative nature of the instant action to the action filed on January 5, 2009, the Court HEREBY RECOMMENDS the instant action be DISMISSED as duplicative.

These findings and recommendations will be submitted to the United States District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. § 636(b)(1). Within twenty (20) days after being served with these findings and recommendations, Plaintiff may file written objections with the Court. The document should be captioned “Objections to Magistrate Judge’s

1 Findings and Recommendations.” Plaintiff is advised that failure to file objections within the  
2 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d  
3 1153 (9th Cir. 1991).

4 IT IS SO ORDERED.

5 Dated: January 5, 2011

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UNITED STATES MAGISTRATE JUDGE