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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 MALCOLM COLEMAN,

12 Petitioner,

13 v.

14 S. HATTON, Warden,

15 Respondent.
16

Case No. 1:17-cv-00994-JLT (HC)

FINDINGS AND RECOMMENDATION TO
DISMISS PETITION AS DUPLICATIVE
AND SUCCESSIVE

ORDER DIRECTING CLERK OF COURT
TO ASSIGN DISTRICT JUDGE

[TEN DAY OBJECTION PERIOD]

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18 On July 27, 2017, Petitioner filed the instant federal petition challenging his 1999
19 conviction for multiple sex offenses. Petitioner has filed a prior petition challenging the same
20 conviction in Coleman v. Hatton, Case No. 1:17-cv-00940-SKO (HC). In that action, the Court
21 ordered Respondent to file a response to the petition.

22 Review of the petitions filed in both actions reveals that the instant petition is duplicative
23 of the prior petition. A federal court must dismiss a second or successive petition that raises the
24 same grounds as a prior petition. 28 U.S.C. § 2244(b)(1).

25 **ORDER**

26 Accordingly, the Court hereby **ORDERS** that the Clerk of Court is directed to assign a
27 District Judge to this case.
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1 **RECOMMENDATION**

2 The Court **RECOMMENDS** that the petition be dismissed as duplicative and successive.

3 This Findings and Recommendation is submitted to the United States District Court
4 Judge assigned to this case, pursuant to the provisions of 28 U.S.C. section 636 (b)(1)(B) and
5 Rule 304 of the Local Rules of Practice for the United States District Court, Eastern District of
6 California. Within ten days after being served with a copy, Petitioner may file written objections
7 with the Court. Such a document should be captioned “Objections to Magistrate Judge’s
8 Findings and Recommendation.” The Court will then review the Magistrate Judge’s ruling
9 pursuant to 28 U.S.C. § 636 (b)(1)(C). Petitioner is advised that failure to file objections within
10 the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951
11 F.2d 1153 (9th Cir. 1991).

12 IT IS SO ORDERED.

13 Dated: August 1, 2017

14 /s/ Jennifer L. Thurston
15 UNITED STATES MAGISTRATE JUDGE