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3 UNITED STATES DISTRICT COURT
4 EASTERN DISTRICT OF CALIFORNIA

5 ENID MARIE FLORES,

6 Plaintiff,

7 vs.

8 CALIFORNIA CORRECTIONAL
9 WOMEN'S FACILITY, et al.,

10 Defendants.

1:19-cv-01681-AWI-JDP

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, ORDER
DISMISSING CASE, and ORDER DENYING
PENDING MOTIONS AS MOOT

(Doc. Nos. 14, 16, 18, 19, 21, 22, 25)

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12 Enid Marie Flores ("Plaintiff") is a state prisoner proceeding *pro se* and *in forma pauperis*
13 with this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United
14 States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

15 On June 12, 2020, the Magistrate Judge entered findings and recommendations,
16 recommending that this case be dismissed as frivolous because it is duplicative of another active
17 case. (Doc. No. 22.) On June 29, 2020, plaintiff filed objections. (Doc. No. 26.)

18 In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(B) and Local Rule 304, this
19 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
20 court finds the findings and recommendations to be supported by the record and proper analysis.
21 This case is improperly duplicative of Case No. 1:19-cv1509 NONE JLT, which makes dismissal
22 appropriate.¹ See Adams v. California Dept. of Health Services, 487 F.3d 684, 688 (9th Cir.
23 2007). Additionally, there are several motions that remain pending. With the dismissal of this
24 case pursuant, these pending motions will all be denied as moot.

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27 ¹ The Findings and Recommendation classified this case as "frivolous" because it was
28 duplicative of an earlier filed case. However, the Court respectfully disagrees that the case is "frivolous." The
case is merely duplicative and thus, subject to dismissal. Therefore, the Court will not adopt the conclusion that
his case is "frivolous."

ORDER

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations entered by the Magistrate Judge on June 12, 2020 (Doc. No. 22) are ADOPTED as discussed above;
2. This case is DISMISSED as improperly duplicative of Case No. 1:19-cv-1509 NONE JLT;
3. All pending motions (Doc. Nos. 14, 16, 18, 19, 21, and 25) are DENIED as moot;
and
4. The Clerk is directed to close this case.

IT IS SO ORDERED.

Dated: September 9, 2020



SENIOR DISTRICT JUDGE