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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	SEDRIC EUGENE JOHNSON,	No. 1:23-cv-00437 GSA (PC)
12	Plaintiff,	ORDER DIRECTING CLERK OF COURT TO RANDOMLY ASSIGN A DISTRICT JUDGE
13	v.	TO THIS MATTER
14	BRIAN CATES, et al.,	FINDINGS AND RECOMMENDATIONS RECOMMENDING THAT THIS MATTER
15	Defendants.	BE DISMISSED AS DUPLICATIVE
16		PLAINTIFF'S OBJECTIONS TO FINDINGS AND RECOMMENDATIONS DUE
17		DECEMBER 12, 2023
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19	Plaintiff, a former state prisoner proceeding pro se and in forma pauperis, has filed this	
20	civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United	
21	States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302. For the	
22	reasons stated below, the undersigned will recommend that this matter be dismissed as	
23	duplicative.	
24	I. <u>RELEVANT FACTS</u>	
25	On March 6, 2023, Plaintiff filed the instant action in the Southern District of California.	
26	At that time, the matter was identified as <u>Johnson v. Cates</u> , No. 3:23-cv-00415 WQH DEB	
27	("Johnson I"). Johnson I, ECF No. 1 at 1.	

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On March 9, 2023, another complaint filed by Plaintiff was docketed in the Eastern District of California. The case was identified as <u>Johnson v. Cates</u>, No. 1:23-cv-00361 GSA ("Johnson II").

On March 23, 2023, <u>Johnson I</u> was transferred to this district. ECF No. 5. As a result, the case number currently assigned to <u>Johnson I</u> is <u>Johnson v. Cates</u>, No. 1:23-cv-0437 GSA. <u>See</u> Johnson I, ECF No. 6 at 1 (first informational order with new case name).

II. DISCUSSION

A comparison of the complaint in <u>Johnson I</u> with the one in <u>Johnson II</u> indicates that the two pleadings are identical. Compare <u>Johnson I</u>, ECF No. 1 at 1-15, <u>with Johnson II</u>, ECF No. 1 at 1-15. A plaintiff not entitled to simultaneously maintain two separate actions involving the same subject matter against the same defendant. <u>Mendoza v. Amalgamated Transit Union International</u>, 30 F.th 879, 886 (9th Cir. 2022) (citation omitted). Therefore, it will be recommended this matter, <u>Johnson I</u>, which was officially put on the Eastern District's docket later than <u>Johnson II</u>, be dismissed as duplicative. Plaintiff shall be given fourteen days to file objections to this order.

Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall randomly assign a District Judge to this action.

IT IS FURTHER RECOMMENDED that this matter be DISMISSED as duplicative of Johnson v. Cates, No. 1:23-cv-00361 GSA.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(l). Within fourteen days after being served with these findings and recommendations – in this case, by **December 12**, **2023** – Plaintiff may file written objections with the Court. Said document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Plaintiff is advised that

¹ The content of the two complaint forms is identical. However, <u>Johnson I</u>, has attachments to it that appear to be forms sent to Plaintiff by the Court. <u>See Johnson I</u>, ECF No. 1-1, 1-2 (attachments to Johnson I complaint).

1	failure to file objections within the specified time may waive the right to appeal the District	
2	Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).	
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5	IT IS SO ORDERED.	
6	Dated: November 27, 2023 /s/ Gary S. Austin	
7	UNITED STATES MAGISTRATE JUDGE	
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