

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

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

7 II. DISCUSSION

8 A comparison of the complaint in Johnson I with the one in Johnson II indicates that the
9 two pleadings are identical.¹ Compare Johnson I, ECF No. 1 at 1-15, with Johnson II, ECF No. 1
10 at 1-15. A plaintiff not entitled to simultaneously maintain two separate actions involving the
11 same subject matter against the same defendant. Mendoza v. Amalgamated Transit Union
12 International, 30 F.3d 879, 886 (9th Cir. 2022) (citation omitted). Therefore, it will be
13 recommended this matter, Johnson I, which was officially put on the Eastern District’s docket
14 later than Johnson II, be dismissed as duplicative. Plaintiff shall be given fourteen days to file
15 objections to this order.

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

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

20 These findings and recommendations are submitted to the United States District Judge
21 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
22 after being served with these findings and recommendations – in this case, by **December 12,**
23 **2023** – Plaintiff may file written objections with the Court. Said document should be captioned
24 “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that
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27 ¹ The content of the two complaint forms is identical. However, Johnson I, has attachments to it
28 that appear to be forms sent to Plaintiff by the Court. See Johnson I, 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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IT IS SO ORDERED.

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Dated: November 27, 2023

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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