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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICKY COLDING,

Plaintiff,

No. CIV S-07-1034 FCD KJM P

vs.

F. KRAMER, Warden, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____/

Plaintiff is a state prisoner proceeding pro se. Plaintiff's complaint was filed with the court on May 31, 2007. The court's own records reveal that on April 16, 2007, plaintiff filed a complaint containing virtually identical allegations against the same defendants. (No. Civ. S-07-0709 LKK KJM P).¹ Due to the duplicative nature of the present action, the court will recommend that the complaint be dismissed.

In accordance with the above, IT IS HEREBY RECOMMENDED that this action be dismissed without prejudice. See Fed. R. Civ. P. 41(b).

These findings and recommendations are submitted to the District Judge assigned to this case pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days after being served with these findings and recommendations, plaintiff may file written objections with the

¹ A court may take judicial notice of court records. See MGIC Indem. Co. v. Weisman, 803 F.2d 500, 505 (9th Cir. 1986); United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980).

1 court. The document should be captioned "Objections to Magistrate Judge's Findings and
2 Recommendations." Plaintiff is advised that failure to file objections within the specified time
3 may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th
4 Cir. 1991).

5 DATED: June 11, 2007.

6 
7 U.S. MAGISTRATE JUDGE

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