

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

BERNARD ANDREW WHITE,

Plaintiff,

No. CIV S-07-1341 GEB JFM P

vs.

C/O RASMUSSEN, et al.,

Defendants.

FINDINGS & RECOMMENDATIONS

_____/

Plaintiff is a state prisoner proceeding pro se. On July 9, 2007, the United States District Court for the Central District of California transferred plaintiff's May 1, 2007 complaint to this court. This court's own records reveal that on June 20, 2007, plaintiff filed a complaint containing virtually identical allegations against the same defendants. (No. Civ. S-07-1218 LKK GGH 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

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

6 DATED: July 24, 2007.

7
8 
9 UNITED STATES MAGISTRATE JUDGE

10 /001;whit1341.23
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26