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

WILLIE J. WOODS,

Petitioner,

No. CIV S-08-2228 JAM GGH P

vs.

D.K. SISTO, et al.,

Respondent.

ORDER

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Examination of this action and the court’s records reveals that the petitioner has previously filed a petition for relief in the same matter.<sup>1</sup> (CIV S-06-2637 LKK KJM P.<sup>2</sup>) Pursuant to Local Rule 81-190(d), the above-captioned action will be reassigned to the Judge and

<sup>1</sup> 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).

<sup>2</sup> In the instant action, petitioner challenges his 2005 parole suitability hearing. In CIV S-2637 LKK KJM P, on January 29, 2008, Magistrate Judge Mueller recommended that respondent’s motion to dismiss on grounds that the petition was too vague be granted. Judge Mueller stated that the petition failed to challenge a particular parole board decision. In his opposition to the motion to dismiss, petitioner attached transcripts from the 2005 hearing. Judge Mueller did not grant petitioner leave to amend to file an amended petition challenging the 2005 hearing on grounds that the claims challenging this hearing appeared to be unexhausted. On March 25, 2008, Judge Karlton adopted the January 29, 2008, findings and recommendations. In the instant action, on November 3, 2008, respondent filed a motion to dismiss on grounds that this action is successive to CIV S-2637 LKK KJM P.

1 Magistrate Judge who considered the prior petition.

2 The parties should be aware that reassigning this action under Local Rule 81-  
3 190(d) merely has the result that the action is assigned to the Judge and Magistrate Judge who  
4 considered the prior petition; no consolidation of the actions is effected.

5 Accordingly, IT IS HEREBY ORDERED that:

6 1. This action is reassigned to Judge Karlton and Magistrate Judge Mueller for all  
7 further proceedings; henceforth, the caption on documents filed in this action shall be shown as  
8 No. CIV S-08-2228 LKK KJM P; and

9 2. The Clerk of the Court shall make appropriate adjustment in the assignment of  
10 civil cases to compensate for this reassignment.

11 DATED: February 5, 2009

/s/ Gregory G. Hollows

UNITED STATES MAGISTRATE JUDGE

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