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

9 EDGAR LEE WARREN,

10 Plaintiff,

No. CIV S-08-2312 DAD

11 vs.

12 BUTTE COUNTY JAIL, et al.,

ORDER AND

13 Defendants.

FINDINGS AND RECOMMENDATIONS

14 _____/
15 Plaintiff, a former inmate of the Butte County Jail, is proceeding pro se. Plaintiff
16 filed several documents and form complaints in the United States District Court for the Northern
17 District of California and separate cases were opened upon plaintiff's filing of each document.
18 Those cases were subsequently transferred to this court. In this action, the initial document,
19 filed on May 5, 2008, states in part:

20 Edgar Lee Warren [sic] federal court to know when the time is
21 right Warren is going to have his lawsuit put back in this federal
22 court on issues that Warren got staff [sic] infection from Butte
23 County Jail and Warren was denied neutrogeng [sic] soap for staff
[sic] infection by medical . . . and on the issues . . . they stop . . .
Warren legal mail . . . and Warren mail to his family . . .

24 (Compl. at 1-2.)

25 This court's own records reveal that on June 9, 2008, plaintiff filed a form
26 complaint which was signed on May 19, 2008, containing virtually identical allegations against

1 defendant Butte County Jail. (No. Civ. S-08-1680 MCE JFM P).¹ Due to the duplicative nature
2 of the present action, the court will recommend that this action be dismissed. Plaintiff should
3 pursue his claims of inadequate medical care and interference with his mail in case file number
4 CIV S-08-1680 MCE JFM P.

5 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to
6 randomly assign a United States District Judge to this action; and

7 IT IS HEREBY RECOMMENDED that this action be dismissed with prejudice.
8 See Fed. R. Civ. P. 41(b).

9 These findings and recommendations are submitted to the District Judge assigned
10 to this case pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty days after being
11 served with these findings and recommendations, plaintiff may file written objections with the
12 court. The document should be captioned "Objections to Magistrate Judge's Findings and
13 Recommendations." Plaintiff is advised that failure to file objections within the specified time
14 may waive the right to appeal the District Court's order. Martinez v. Ylst, 951 F.2d 1153 (9th
15 Cir. 1991).

16 DATED: January 5, 2009.

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19 _____
DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

20 DAD:4
21 warr2312.23
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25 _____
26 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).