

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

EDGAR LEE WARREN,

Plaintiff,

No. CIV S-08-2325 DAD P

vs.

ARNOLD SCHWARZENEGGER, et al.,

ORDER AND

Defendants.

FINDINGS AND RECOMMENDATIONS

\_\_\_\_\_ /

Plaintiff, a former inmate at the Butte County Jail, is proceeding pro se. Plaintiff filed several documents and form complaints in the United States District Court for the Northern District of California and separate cases were opened upon plaintiff's filing of each document. Those cases were subsequently transferred to this court. In the above-numbered action, the initial document, filed by plaintiff with the court on June 25, 2008, states that it is "to be attach" [sic] to amend "his complaints May 19-2008# [sic] and the one May 29-2008# [sic] that Warren send in to this Federal Court . . . ." (Compl. at 1.) Plaintiff also states that he has been unable to obtain the complete form for requesting copies of transcripts from the "clic [sic] law library." (Id.) The court's own records reveal that on June 2, 2008, plaintiff filed a form complaint which was signed on May 29, 2008, alleging problems with his access to the Butte County Jail's law library

////

////

1 and difficulties in obtaining assistance. (No. Civ. S-08-1681 KJM P).<sup>1</sup> Due to the duplicative  
2 nature of the present action, the court will recommend that this action be dismissed.

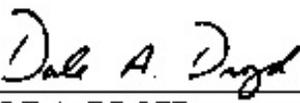
3 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to  
4 randomly assign a United States District Judge to this action; and

5 IT IS HEREBY RECOMMENDED that this action be dismissed with prejudice.

6 See Fed. R. Civ. P. 41(b).

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

14 DATED: January 5, 2009.

15  
16   
17 \_\_\_\_\_  
DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

18 DAD:4  
19 warr2325.23  
20  
21  
22  
23  
24

25 \_\_\_\_\_  
26 <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).