

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

JERRY D. PROFFITT,
Plaintiff,

No. CIV S-09-0821 DAD

vs.

SUPERIOR COURT OF THE STATE
OF CALIFORNIA, et al.,
Defendants.

ORDER AND
FINDINGS AND RECOMMENDATIONS

_____ /

Plaintiff is a state prisoner proceeding pro se. Plaintiff's complaint was filed with the court on March 25, 2009. The court's own records reveal that on March 2, 2009, plaintiff had previously initiated an action by filing a document setting forth similar allegations concerning his criminal trial in Shasta County. (No. CIV S-09-0610 GGH).¹ Due to the duplicative nature of the present action, the court will recommend that the complaint in this action be dismissed.²

////

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).

² On March 27, 2009, plaintiff was ordered to file a complaint in case number CIV S-09-0610 GGH. Plaintiff is advised to set forth all his civil rights claims in the complaint filed in that action and to use the case file number, CIV S-09-0610 GGH, for all future filings.

