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

ERIC HARPER,

Petitioner,

No. CIV S-09-1484 GGH P

vs.

M.D. McDONALD,

Respondent.

ORDER

\_\_\_\_\_  
\_\_\_\_\_  
Plaintiff is state prisoner proceeding pro se. This proceeding was referred to this court by Local Rule 72-302 pursuant to 28 U.S.C. § 636(b)(1) and is before the undersigned pursuant to plaintiff's consent. See 28 U.S.C. § 636; see also E.D. Cal. Local Rules, Appx. A, at (k)(1)-(2). Plaintiff's complaint was filed with the court on May 29, 2009. The court's own records reveal that plaintiff had previously initiated two actions, on December 29, 2008 and on February 11, 2009, setting forth similar allegations concerning his request to be transferred to a prison closer to Sacramento. (No. CIV S-08-3154 EFB and No. CIV S-09-0400 EFB).<sup>1</sup> Accordingly, this action is dismissed as duplicative.

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<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).

1 IT IS HEREBY ORDERED that this action be dismissed as duplicative. See Fed.

2 R. Civ. P. 41(b).

3 DATED: July 20, 2009

4 /s/ Gregory G. Hollows

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6 GREGORY G. HOLLOWS  
7 UNITED STATES MAGISTRATE JUDGE

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