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

MELECIO M. CARDONA,

Plaintiff,

No. CIV S-09-1976 FCD DAD P

vs.

JAMES WALKER, et al.,

Defendants.

ORDER

_____ /

Plaintiff is a state prisoner proceeding pro se. On August 11, 2009, plaintiff filed a one-page motion in which he simply requests summary judgment in this action. Plaintiff's motion is defective and lacks merit in that it contains no grounds demonstrating plaintiff is entitled to any relief. Moreover, plaintiff is advised that, on July 28, 2009, the court issued findings and recommendations, recommending dismissal of this action because it is duplicative of another action plaintiff already has pending in this court. (No. Civ. S-09-1537 CMK P).¹ The court reminds plaintiff that if he wishes to file objections to those findings and recommendations, he should do so in accordance with the instructions therein. Under these circumstances, the court will deny plaintiff's motion.

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).

1 Accordingly, IT IS HEREBY ORDERED that plaintiff's August 11, 2009 motion
2 for summary judgment (Doc. No. 8) is denied.

3 DATED: September 14, 2009.

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6 _____
7 DALE A. DROZD
8 UNITED STATES MAGISTRATE JUDGE

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