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

MARIO NGWAZI WOOTEN,

Plaintiff,

No. CIV S-11-0070 DAD P

vs.

MIKE GREGORY SOKOHOU,

Defendants.

FINDINGS AND RECOMMENDATIONS

_____ /

Plaintiff is a state prisoner proceeding pro se. Plaintiff's complaint was filed with the court on January 7, 2011. The court's own records reveal that on August 10, 2010, plaintiff filed a complaint containing virtually identical allegations against the same defendant. (No. Civ. S-10-2138 MCE DAD P).¹ Due to the duplicative nature of the present action, the court will recommend that the complaint be dismissed.

In accordance with the above:

IT IS HEREBY ORDERED that the Clerk of the Court is directed to randomly assign a United States District Judge to this action.

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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 IT IS HEREBY RECOMMENDED that this action be dismissed without
2 prejudice. See Fed. R. Civ. P. 41(b).

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

11 DATED: March 14, 2011.

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15 DALE A. DROZD
16 UNITED STATES MAGISTRATE JUDGE

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