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

SHEPARD JOHNSON,

Plaintiff,

No. CIV S-11-2629 KJM CKD PS

vs.

CHESTER MITCHELL, et al.,

Defendants.

ORDER AND

FINDINGS AND RECOMMENDATIONS

\_\_\_\_\_/

Plaintiff is proceeding in this action pro se. This proceeding was referred to this court by Local Rule 302(c)(21).

In this action, plaintiff alleges claims arising out of a real estate development in the Republic of Panama. The allegations in the complaint are virtually identical to the allegations in Johnson v. Hermansen, CIV S-10-1968 GEB GGH PS, dkt. no. 80. This action is therefore duplicative of plaintiff's previously filed action, which is still pending. The court will therefore recommend this action be dismissed as duplicative.

Accordingly IT IS HEREBY ORDERED that:

1. The status conference set for March 7, 2012 is vacated;
2. This action is stayed pending the district court's review of these findings and recommendations; and

1 IT IS HEREBY RECOMMENDED that this action be dismissed as duplicative.

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

10 Dated: October 11, 2011

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12 CAROLYN K. DELANEY  
13 UNITED STATES MAGISTRATE JUDGE

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