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

ANTHONY COLEMAN,

Plaintiff,

No. 2:12-cv-1497 KJN P

vs.

MATTHEW CATE, et al.,

Defendants.

ORDER and

FINDINGS & RECOMMENDATIONS

_____ /

Plaintiff is a state prisoner proceeding pro se. Plaintiff's complaint was filed with the court on June 4, 2012. The court's own records reveal that on June 4, 2012, plaintiff filed another complaint containing virtually identical allegations against the same defendants. (No. Civ. S-12-1496 CKD P).¹ Due to the duplicative nature of the present action, the court will recommend that this second-filed complaint be dismissed.

In accordance with the above, IT IS HEREBY ORDERED that:

1. The Clerk of Court randomly assign a district judge to this case; and
2. Plaintiff's motion to proceed in forma pauperis (Dkt. No. 2) is denied as moot.

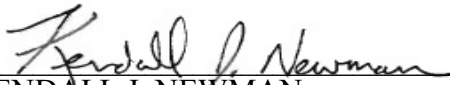
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¹ A court may take judicial notice of court records. See MGIC Indem. Co. v. Weisman, 803 F.2d 500, 505 (9th Cir. 1986); United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980).

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: June 14, 2012

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14 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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