



1 The complaint filed in Case No. 2:13-cv-1340 MCE CMK contains only eleven pages. The  
2 complaint filed in the instant action contains fourteen pages plus a civil case cover sheet. Due to  
3 the duplicative nature of the present action, the court will recommend that the instant complaint  
4 be dismissed.

5 Accordingly, IT IS ORDERED that the September 9, 2013 Findings and  
6 Recommendations are VACATED.

7 IT IS RECOMMENDED that:

- 8 1. This action be dismissed without prejudice. See Fed. R. Civ. P. 41(b); and
- 9 2. The Clerk of Court is directed to file the complaint in the instant action, ECF No. 1, as  
10 an amended civil rights complaint in Case No. 2:13-cv-1340 MCE CMK.

11 These findings and recommendations are submitted to the District Judge assigned to this  
12 case pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served  
13 with these findings and recommendations, plaintiff may file written objections with the court.  
14 The document should be captioned “Objections to Magistrate Judge’s Findings and  
15 Recommendations.” Plaintiff is advised that failure to file objections within the specified time  
16 may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th  
17 Cir. 1991).

18 DATED: November 6, 2013

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20 ALLISON CLAIRE  
21 UNITED STATES MAGISTRATE JUDGE  
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