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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CIRON B. SPRINGFIELD,
Plaintiff,
v.
L. BENDER, et al.,
Defendants.

No. 2:13-cv-2029 KJN P

ORDER

Plaintiff is a state prisoner proceeding without counsel. Plaintiff consented to proceed before the undersigned for all purposes. See 28 U.S.C. § 636(c). Plaintiff’s complaint was filed with the court on September 30, 2013. The court’s own records reveal that on July 18, 2013, plaintiff filed a complaint containing virtually identical allegations concerning the alleged denial of outdoor exercise and retaliation. (Case No. 2:13-cv-1442 KJN P).¹ Indeed, on September 19, 2013, plaintiff filed a motion for extension of time in which to file an amended complaint in Case No. 2:13-cv-1442 KJN P, which was granted on October 3, 2013. Although the instant complaint is not entitled “Amended Complaint,” it was not accompanied by an application to proceed in forma pauperis, and contains most of the exhibits appended to plaintiff’s original complaint filed

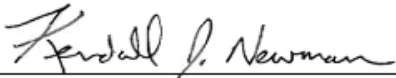
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¹ A court may take judicial notice of court records. See MGIC Indem. Co. v. Weisman, 803 F.2d 500, 505 (9th Cir. 1986); United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980).

1 in Case No. 2:13-cv-1442 KJN P. Thus, it appears that the complaint filed on September 30,
2 2013, should be filed in Case No. 2:13-cv-1442 KJN P, rather than opened as a new action.

3 Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to file the
4 September 30, 2013 complaint (ECF No. 1) in Case No. 2:13-cv-1442 KJN P as plaintiff's
5 amended complaint, and terminate the instant action.

6 Dated: October 17, 2013

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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