

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LAWRENCE J. JACKSON, JR.,
Plaintiff,
v.
J. AUSTIN, et al.,
Defendants.

No. 2:14-cv-0649 KJN P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner proceeding without counsel. Plaintiff's complaint was filed with the court on March 10, 2014. The court's own records reveal that on March 3, 2014, plaintiff filed a complaint containing virtually identical allegations. (2:14-cv-0592 KJN).¹ Due to the duplicative nature of the present action, the court will recommend that the complaint be dismissed.

Plaintiff filed an application to proceed in forma pauperis in the instant action. The Clerk of the Court is directed to file that application in 2: 14-cv-0592 KJN P.

Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of the Court is directed to file the application to proceed in forma pauperis filed in the instant action in 2: 14-cv-0592 KJN;

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
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


2. The Clerk of the Court is directed to assign a district judge to this case; and

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

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

Dated: March 25, 2014

jack0649.23


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE