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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ROBIN HOFFMAN,
Plaintiff,
v.
CORNING POLICE DEPT., et al.,
Defendants.

No. 2:14-cv-2793 DAD P

ORDER AND
FINDINGS AND RECOMMENDATIONS

Plaintiff is proceeding pro se with an action under 42 U.S.C. § 1983. Plaintiff filed his complaint on December 1, 2014. The court’s own records reveal that prior to the filing of this complaint, on November 20, 2014, plaintiff filed a complaint containing virtually identical allegations against the same defendants. (See No. 2:14-cv-2736 MCE KJN P).¹ Due to the duplicative nature of the present action, the court will recommend that the complaint filed in this action be dismissed.

Accordingly, IT IS ORDERED that the Clerk of Court randomly assign this action to a district judge.

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

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).

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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 17, 2015



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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