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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 EDWARD JONES,

12 Petitioner,

13 v.

14 EDMUND BROWN,

15 Respondent.
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No. 2:14-cv-2948-MCE-EFB P

FINDINGS AND RECOMMENDATIONS

17 Petitioner is a state prisoner without counsel seeking a writ of habeas corpus pursuant to
18 28 U.S.C. § 2254. As explained below, this action must be dismissed because the petition filed in
19 this action is duplicative of a petition filed in an earlier action.

20 A suit is duplicative if the “claims, parties, and available relief do not significantly differ
21 between the two actions.” *Barapind v. Reno*, 72 F. Supp. 2d 1132, 1145 (E.D. Cal. 1999)
22 (quoting *Ridge Gold Standard Liquors, Inc. v. Joseph E. Seagram & Sons, Inc.*, 572 F. Supp.
23 1210, 1213 (N.D. Ill. 1983)). “When a complaint involving the same parties and issues has
24 already been filed in another federal district court, the court has discretion to abate or dismiss the
25 second action. *Id.* at 1144 (citation omitted). “Federal comity and judicial economy give rise to
26 rules which allow a district court to transfer, stay, or dismiss an action when a similar complaint
27 has already been filed in another federal court.” *Id.* at 1145 (citation omitted). “[I]ncreasing
28 calendar congestion in the federal courts makes it imperative to avoid concurrent litigation in

1 more than one forum whenever consistent with the right of the parties.” *Crawford v. Bell*, 599
2 F.2d 890, 893 (9th Cir. 1979).

3 On October 21, 2014, petitioner filed an application for a writ of habeas corpus in this
4 district. *See Jones v. Unknown*, No. 2:14-cv-2475-JAM-KJN (E.D. Cal.), ECF No. 1. That
5 petition challenges the Board of Parole Hearings’ denial of petitioner’s request to advance the
6 date of his next parole suitability hearing. On October 28, 2014, petitioner commenced this
7 action by filing a petition that is nearly identical to the petition he filed in the first action. *See*
8 ECF No. 1. Due to the duplicative nature of the present action, this action should be dismissed
9 and petitioner should proceed on the action he initially commenced.

10 Accordingly, it is hereby RECOMMENDED that this action be dismissed without
11 prejudice.

12 These findings and recommendations are submitted to the United States District Judge
13 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
14 after being served with these findings and recommendations, any party may file written
15 objections with the court and serve a copy on all parties. Such a document should be captioned
16 “Objections to Magistrate Judge’s Findings and Recommendations.” Any reply to the objections
17 shall be served and filed within fourteen days after service of the objections. Failure to file
18 objections within the specified time may waive the right to appeal the District Court’s order.
19 *Turner v. Duncan*, 158 F.3d 449, 455 (9th Cir. 1998); *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir.
20 1991). In his objections petitioner may address whether a certificate of appealability should issue
21 in the event he files an appeal of the judgment in this case. *See* Rule 11, Federal Rules Governing
22 Section 2254 Cases in the United States District Courts (the district court must issue or deny a
23 certificate of appealability when it enters a final order adverse to the applicant).

24 DATED: March 12, 2015.

25 
26 EDMUND F. BRENNAN
27 UNITED STATES MAGISTRATE JUDGE
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