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8 UNITED STATES DISTRICT COURT  
9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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11 SHERMAN MONROE POLK,

No. 2:15-cv-0471 CKD P

12 Plaintiff,

13 v.

ORDER

14 DIANE GRAY, et al.,

15 Defendants.  
16

17 Plaintiff is a state prisoner proceeding pro se. Plaintiff's complaint was filed with the  
18 court on March 2, 2015. Records attached to the complaint indicate that plaintiff has a nearly-  
19 identical action pending in the U.S. District Court for the Northern District of California, Polk v.  
20 Gary, No. 14-cv-04375 KAW (N.D. Cal.), which he filed last year. (ECF No. 1 at 34-39.) The  
21 court has confirmed that this action is still pending in the Northern District.<sup>1</sup>

22 Plaintiff has consented to the jurisdiction of a Magistrate Judge to conduct all proceedings  
23 in this case. (ECF No. 6.) Due to the duplicative nature of the present action, the court will  
24 dismiss it.

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28 <sup>1</sup> 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 accordance with the above, IT IS HEREBY ORDERED that this action is dismissed  
2 without prejudice. See Fed. R. Civ. P. 41(b).

3 Dated: April 22, 2015



CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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