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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 WESLEY WILLIAM KESSLER,

12 Plaintiff,

13 v.

14 J. REY, et al.,

15 Defendants.
16

No. 2:15-cv-0607 CKD P

ORDER AND

FINDINGS AND RECOMMENDATIONS

17 Plaintiff is a state prisoner proceeding pro se. Plaintiff's complaint was filed with the
18 court on March 18, 2015. The court's own records reveal that on March 10, 2015, plaintiff filed a
19 complaint containing virtually identical allegations against the same defendants. (No. 2:15-cv-
20 00617 EFB).¹ Due to the duplicative nature of the present action, the court will recommend that
21 the complaint be dismissed.

22 In accordance with the above, IT IS HEREBY ORDERED that Clerk of Court shall assign
23 a district judge to this action.

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

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

8 Dated: March 30, 2015



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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