

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

WESLEY WILLIAM KESSLER,  
Plaintiff,  
v.  
J. REY, et al.,  
Defendants

No. 2:15-cv-0607 CKD P

## ORDER AND

## FINDINGS AND RECOMMENDATIONS

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

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

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

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<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 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

Carol K. Delaney  
CAROLYN K. DELANEY

CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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