

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANDREW WALTERS,
Plaintiff,
v.
DAVID A. MASON, et al.,
Defendants.

No. 2:15-cv-0824 KJN P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a county inmate, proceeding pro se. Plaintiff's complaint was filed with the court on April 16, 2015. The court's own records reveal that on April 16, 2015, plaintiff filed a complaint containing virtually identical allegations. (2:15-cv-0822 CMK).¹ Due to the duplicative nature of the present action, the court will recommend that the complaint be dismissed.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to assign a district judge to this case; and

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

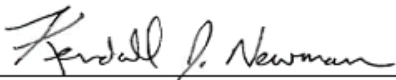
////

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).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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: April 28, 2015


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

walt0824.23