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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WALTER LANGSTON,
Plaintiff,
v.
WARDEN ROBERT A. FOX, et al.,
Defendants.

No. 2:16-cv-1912 KJN P

FINDINGS AND RECOMMENDATIONS

Plaintiff is a state prisoner, proceeding pro se. Plaintiff’s complaint was filed with the court on August 12, 2016. The court’s own records reveal that on July 13, 2015, plaintiff filed a complaint containing virtually identical allegations. (2:15-cv-1500 CMK P).¹ Although the pages of the complaint are not in the same order, the pages of the complaint filed herein appear identical to those filed in the previous case, with the exception that plaintiff crossed out the older signature date and wrote in “August 2, 2016,” and crossed out one of the paragraphs on page 7. (ECF No. 1 at 6, 7.) Due to the duplicative nature of the present action, the court recommends 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

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).

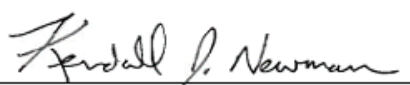
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IT IS RECOMMENDED that this action be dismissed without prejudice. See Fed. R. Civ. P. 41(b).

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: August 19, 2016

lang1912.23


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE