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| 8 | UNITED STATES DISTRICT COURT | | 1 |
| 9 | FOR THE EASTERN DISTRICT OF CALIFORNIA | | 1 |
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| 11 | ALEXANDER DELGADO, | No. 2:16-cv-2954 AC P | 1 |
| 12 | Plaintiff, | | 1 |
| 13 | v. | <u>ORDER</u> | 1 |
| 14 | CDCR, et al., | | I |
| 15 | Defendants. | | 1 |
| 16 | | | 1 |
| 17 | Plaintiff is a state prisoner at High Desert State Prison who proceeds pro se with this civil | | 1 |
| 18 | rights action filed pursuant to 42 U.S.C. § 1983, and request to proceed in forma pauperis. | | 1 |
| 19 | Plaintiff has consented to the jurisdiction of t | he undersigned Magistrate Judge for all purposes | 1 |
| 20 | pursuant to 28 U.S.C. § 636(c), and Local Ru | ale 305(a). <u>See</u> ECF No. 4. | 1 |
| 21 | The court's own records ¹ reveal that the instant complaint contains identical allegations to | | 1 |
| 22 | those pursued by plaintiff in a prior action fil | ed in this court. See Delgado v. Santana et al., Case | 1 |
| 23 | No. 2:14-cv-00634 CMK P, ECF No. 13 (Fir | st Amended Complaint). The prior case reached a | 1 |
| 24 | stipulated settlement which plaintiff continue | es to contest. See id., ECF Nos. 27 et seq. In the | 1 |
| 25 | | | 1 |
| 26 | ¹ This court may take judicial notice of its own records and the records of other courts. <u>See</u> United States v. Howard, 381 F.3d 873, 876 n.1 (9th Cir. 2004); United States v. Wilson, 631 | | l |
| 27 | F.2d 118, 119 (9th Cir. 1980); see also Fed. R. Evid. 201 (court may take judicial notice of facts that are capable of accurate determination by sources whose accuracy cannot reasonably be | | |
| 28 | questioned). | | |
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| 1 | present action, plaintiff asserts that he was "coerced to dismiss" his prior action and has | |
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| 2 | resubmitted it "with the hopes of having this action properly processed." See ECF No. 1 at 8. | |
| 3 | Plaintiff must pursue these contentions in Delgado v. Santana et al., Case No. 2:14-cv-00634 | |
| 4 | CMK P. Due to the duplicative nature of plaintiff's actions, the instant action must be dismissed. | |
| 5 | Accordingly, IT IS HEREBY ORDERED that: | |
| 6 | 1. This action is dismissed with prejudice because duplicative, see Fed. R. Civ. P. 41(b); | |
| 7 | and | |
| 8 | 2. Plaintiff's request to proceed in forma pauperis, ECF No. 5, is denied as moot. | |
| 9 | DATED: September 18, 2017 | |
| 10 | allison clane | |
| 11 | UNITED STATES MAGISTRATE JUDGE | |
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