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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	VINCENT ANTHONY CALLENDER,	No. 2:17-cv-0271 JAM AC P
12	Plaintiff,	
13	V.	FINDINGS AND RECOMMENDATIONS
14	J. RAMM, et al.,	
15	Defendants.	
16		
17	Plaintiff is a state prisoner proceeding	pro se. The complaint in this case was filed with
18	the court on February 3, 2017. However, the court's own records reveal that on April 1, 2016,	
19	plaintiff filed another complaint containing virtually identical allegations. ¹ That case, <u>Callender</u>	
20	v. Ramm et al., Case No. 2:16-cv-0694 JAM AC P, is proceeding on the merits of a First	
21	Amended Complaint. Due to the duplicative nature of the present action, the undersigned will	
22	recommend that this case be dismissed.	
23	Accordingly, IT IS HEREBY RECOMMENDED that this action be dismissed without	
24	prejudice. See Fed. R. Civ. P. 41(b).	
25	////	
26	$\frac{1}{1}$ A court may take judicial notice of its own records and the records of other courts. See United	
27	States v. Howard, 381 F.3d 873, 876 n.1 (9th Cir. 2004); United States v. Wilson, 631 F.2d 118,	
28		1 (court may take judicial notice of facts that are whose accuracy cannot reasonably be questioned).
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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)(l). Within fourteen (14) days after being	
3	served with these findings and recommendations, plaintiff may file written objections with the	
4	court. 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: December 6, 2018	
9	allison claire	
10	UNITED STATES MAGISTRATE JUDGE	
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