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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREGORY TAYLOR,
Plaintiff,
v.
RICHARD GUILIANI, et al,
Defendants.

No. 2:17-cv-1427 KJN P

ORDER

Plaintiff is a state prisoner, proceeding pro se. Plaintiff's complaint was filed with the court on July 11, 2017. The court's own records reveal that on April 17, 2017, plaintiff filed a complaint containing virtually identical allegations against the same defendants named herein. (2:17-cv-0801 EFB).¹ On July 24, 2017, plaintiff filed a letter in which he stated that he wanted to amend his complaint in 2:17-cv-0801 EFB rather than filing a new action, and expressed his desire to continue with this earlier-filed case. (ECF No. 4.) On July 25, 2017, plaintiff filed an amended complaint.

Good cause appearing, plaintiff's request is granted. Fed. R. Civ. P. 41(a). The Clerk of the Court is directed to file plaintiff's amended complaint (ECF No. 5) in 2:17-cv-0801 EFB, and dismiss this action as improvidently opened.

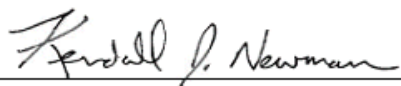
¹ A court may take judicial notice of court records. See MGIC Indem. Co. v. Weisman, 803 F.2d 500, 505 (9th Cir. 1986); United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980).

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Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to:

1. File plaintiff's amended complaint (ECF No. 5) in Case No. 2:17-cv-0801 EFB; and
2. Dismiss the instant action. Fed. R. Civ. P. 41(a).

Dated: August 23, 2017


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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