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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN EUGENE KING,
Plaintiff,
v.
TIMOTHY J. MAYOPOULOUS, et al.,
Defendants.

No. 2:17-cv-02342 TLN CKD

FINDINGS AND RECOMMENDATIONS

Plaintiff, proceeding in this action pro se, has requested leave to proceed in forma pauperis pursuant to 28 U.S.C. § 1915. This proceeding was referred to this court by Local Rule 302(21), pursuant to 28 U.S.C. § 636(b)(1).

Plaintiff has submitted an affidavit making the showing required by 28 U.S.C. § 1915(a)(1). Accordingly, the request to proceed in forma pauperis will be granted.

In this action, plaintiff challenges an unlawful detainer action presently being taken against him in state court. (See ECF No. 1 at 9.) Because the unlawful detainer action was filed in state court prior to the initiation of the instant federal court action and both actions involve precisely the same property, this court is required to abstain from exercising jurisdiction. See Colorado River Water Conservation District v. United States, 424 U.S. 800 (1976); see also Scherbenske v. Wachovia Mortgage, FSB, 626 F.Supp.2d 1052, 1057-1058 (E. D. Cal. 2009).

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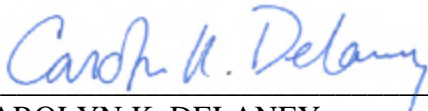
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Accordingly, IT IS HEREBY ORDERED that plaintiff's request to proceed in forma pauperis (ECF No. 2) is granted; and

IT IS HEREBY RECOMMENDED that this action be dismissed.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of Title 28 U.S.C. ' 636(b)(1). Within fourteen days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. Such a document should be captioned "Objections to Magistrate Judge's Findings and Recommendations." Any reply to the objections shall be served and filed within seven days after service of the objections. The parties are 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: November 15, 2017



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE