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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARQUIS DOMINIQUE MOORE,  
Petitioner,  
v.  
SCOTT KERNAN,  
Respondent.

No. 2:17-cv-02588 AC P

ORDER AND FINDINGS AND  
RECOMMENDATIONS

Petitioner is a state prisoner proceeding pro se. Petitioner’s petition for writ of habeas corpus was filed with the court on December 11, 2017. See ECF No. 1. The court’s own records reveal that on October 6, 2017, petitioner filed a petition containing virtually identical allegations. See Moore v. Kernan, 2:17-cv-2080 MCE JKN (HC).<sup>1</sup> Due to the duplicative nature of the present action, the court will recommend that the petition be dismissed.

Accordingly, IT IS HEREBY ORDERED that the Clerk of the Court is directed to assign a district judge to this case; and

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


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<sup>1</sup> A court may take judicial notice of court records. See generally MGIC Indem. Co. v. Weisman, 803 F.2d 500, 504 (9th Cir. 1986); see also United States v. Wilson, 631 F.2d 118, 119 (9th Cir. 1980).

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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 twenty one days after being served with these findings and recommendations, petitioner may file written objections with the court. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Petitioner 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: January 3, 2018

  
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ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE