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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BENJAMIN R. TAFT,

 Petitioner,

 v.

JOEL MARTINEZ,

 Respondent.

No. 2:18-cv-0564 AC P

ORDER and

FINDINGS AND RECOMMENDATIONS

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus filed pursuant to 28 U.S.C. § 2254. The court’s records reveal¹ that the instant petition is duplicative of the petition filed by petitioner in Case No. 2:18-cv-0621 CKD P, which was transferred on venue grounds to the Fresno Division of this court and is now designated Case No. 1:18-cv-0412 DAD JLT P.² Due to the duplicative nature of the instant action, the undersigned will recommend that this action be dismissed as duplicative.³

¹ This court may take judicial notice of its own records and the records of other courts. See United States v. Howard, 381 F.3d 873, 876 n.1 (9th Cir. 2004); United States v. Wilson, 631 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 questioned).

² The petitions are identical with the exception that Case No. 1:18-cv-0412 DAD JLT P includes 44 additional pages of exhibits.


³ This action is referred to the undersigned United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302(c).

1 Accordingly, IT IS HEREBY ORDERED that the Clerk of Court shall randomly assign a
2 district judge to this action.

3 Further, IT IS HEREBY RECOMMENDED that this action be dismissed as duplicative of
4 Case No. 1:18-cv-0412 DAD JLT P.

5 These findings and recommendations are submitted to the United States District Judge
6 assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
7 after being served with these findings and recommendations, petitioner may file written
8 objections with the court. Such document should be captioned “Objections to Magistrate Judge’s
9 Findings and Recommendations.” Petitioner is advised that failure to file objections within the
10 specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951
11 F.2d 1153 (9th Cir. 1991).

12 DATED: April 24, 2018

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14 ALLISON CLAIRE
15 UNITED STATES MAGISTRATE JUDGE
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