

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SANDRA C. SAMUELIAN,

Plaintiff,

v.

U.S. TREASURY, et al.,

Defendants.

No. 2:18-cv-2516-JAM-KJN PS

FINDINGS AND RECOMMENDATIONS

On September 17, 2018, plaintiff Sandra Samuelian commenced the instant action against the U.S. Treasury, the California Treasury, Sacramento County, and the California Board of Equalization requesting a refund of certain alleged overpayments. (ECF No. 1.) However, this action is duplicative of an earlier action filed by plaintiff on April 23, 2018, against the same defendants, likewise seeking a refund of alleged overpayments. See 2:18-cv-995-JAM-EFB. To the extent that plaintiff wishes to modify or assert additional claims against the named defendants, she is required to seek leave to amend her complaint, as necessary, in the earlier action in lieu of filing a new, duplicative action.

In recommending dismissal of this duplicative action, the court expresses no opinion regarding the potential merits of plaintiff’s claims.

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

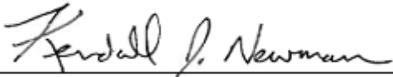
Therefore, IT IS HEREBY RECOMMENDED that:

1. This action be dismissed as duplicative.
2. Plaintiff's motion to proceed *in forma pauperis* in this action (ECF No. 2) be denied as moot.
3. The Clerk of Court be directed to close this case.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen (14) 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 on all parties and filed with the court within fourteen (14) 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. Turner v. Duncan, 158 F.3d 449, 455 (9th Cir. 1998); Martinez v. Ylst, 951 F.2d 1153, 1156-57 (9th Cir. 1991).

IT IS SO RECOMMENDED.

Dated: November 14, 2018


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE