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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARREN HARRIS,

Plaintiff,

v.

JERRY BROWN, et al.,

Defendants.

No. 2:19-cv-1406 KJN P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff is a state prisoner proceeding without counsel.¹ Plaintiff's complaint was filed with the court on July 24, 2019. The court's own records reveal that on May 16, 2019, plaintiff filed a complaint containing virtually identical allegations. (Harris v. Jerry Brown, No. 2:19-cv-0311 KJM CKD P (E.D. Cal.).² Due to the duplicative nature of the present action, the court will recommend that the complaint be dismissed.

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

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¹ Plaintiff added the names of other inmates to the caption of his complaint, but none of the other inmates signed the pleading. Fed. R. Civ. P. 11. Also, plaintiff proceeds pro se and may not file claims on behalf of other individuals. Thus, this action proceeds solely as to plaintiff Harris.

² 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).

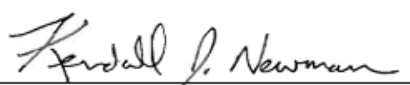
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IT IS RECOMMENDED that this action be dismissed without prejudice. See Fed. R. Civ. P. 41(b).

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 fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff 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: August 21, 2019

/harr1406.23


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE