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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

AKIKA PARKER,

Plaintiff,

v.

J.P. MORGAN CHASE,

Defendant.

No. 2:20-cv-1160-JAM-CKD PS

ORDER

On March 25, 2021, the magistrate judge filed findings and recommendations (ECF No. 3), which were served on plaintiff and which contained notice that any objections to the findings and recommendations were to be filed within twenty-one (21) days. No objections were filed. Accordingly, the court presumes that any findings of fact are correct. See Orand v. United States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983).

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1 The court has reviewed the applicable legal standards and, good cause appearing,
2 concludes that it is appropriate to adopt the findings and recommendations in full.¹ Accordingly,
3 IT IS HEREBY ORDERED that:

- 4 1. The findings and recommendations (ECF No. 3) are ADOPTED IN FULL;
- 5 2. Plaintiff's complaint is DISMISSED with prejudice; and
- 6 3. The Clerk of Court is directed to CLOSE this case.

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9 DATED: April 26, 2021

/s/ John A. Mendez

10 THE HONORABLE JOHN A. MENDEZ
11 UNITED STATES DISTRICT COURT JUDGE

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23 ¹ The court notes that, by coincidence, plaintiff's earlier-filed case No. 2:20-cv-0455-KJM-CKD
24 (referred to by the magistrate judge as Parker I) was dismissed by the assigned Chief District
25 Judge in an order filed moments after the magistrate judge's findings and recommendations were
26 issued in this case. Thus, the complaint in this suit no longer duplicates an *ongoing* suit in this
27 court. However, the magistrate judge's reasoning still applies with equal force because this suit
28 now duplicates a prior suit that has been dismissed by final judgment. See Mpoyo v. Litton
Electro-Optical Sys., 430 F.3d 985, 987 (9th Cir. 2005) (*res judicata* applies when an earlier suit
“(1) involved the same ‘claim’ or cause of action as the later suit, (2) reached a final judgment on
the merits, and (3) involved identical parties or privies”; discussing the same four criteria for
evaluating whether cases involve same claim or cause of action that apply when considering
duplicative cases ongoing in same court).