1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 WILLIAM J. WHITSITT, No. 2:20-cv-1178 KJM AC 12 Plaintiff. 13 **ORDER** v. 14 CITY OF STOCKTON, et al., 15 Defendants. 16 17 Plaintiff proceeds in this action in pro per and in forma pauperis. The matter was referred 18 to a United States Magistrate Judge as provided by Local Rule 302(c)(21). 19 On November 10, 2021, the magistrate judge filed findings and recommendations, which 20 were served on plaintiff and which contained notice to plaintiff that any objections to the findings 21 and recommendations were to be filed within twenty-one days. ECF No. 26. Plaintiff has filed 22 objections to the findings and recommendations. ECF No. 27. 23 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this court has conducted a de novo review of this case. Having reviewed the file, the court finds the 24 25 findings and recommendations to be supported by the record and by the proper analysis. 26 On August 26, 2020, the magistrate judge recommended dismissal of this action as 27 duplicative of Whitsitt v. City of Stockton, et.al, Case No. 2:20-cv-00131 KJM AC PS. ECF 28 No. 4. On March 25, 2021, the court adopted the findings and recommendations in full and 1

1	dismissed the action. ECF No. 11. Plaintiff includes in his objections to the current findings and
2	recommendations a contention that this action is no longer duplicative of Case No. 20-cv-00131
3	KJM AC PS because the latter action has been dismissed. Plaintiff did not raise this contention in
4	his Rule 60(b) motion and, in any event, it is without merit. Plaintiff is correct that Case
5	No. 20-cv-00131 KJM AC PS is now closed; it was dismissed on March 25, 2021 for failure to
6	state a claim and without further leave to amend, and the court subsequently denied plaintiff's
7	motion to reopen that case. See Case No. 20-cv-00131 KJM AC PS, ECF Nos. 15, 18, 23. The
8	dismissal of that case does not alter the court's findings that the allegations of this action
9	duplicated the allegations of the Case No. 20-cv-00131 KJM AC PS, nor does the dismissal of
10	that action require the court to allow plaintiff to proceed with this one.
11	Accordingly, IT IS HEREBY ORDERED that:
12	1. The findings and recommendations filed November 10, 2021, are adopted in full;
13	2. Plaintiff's Motion (ECF No. 25) is DENIED; and
14	3. No further Rule 60 motions will be considered.
15	DATED: May 23, 2022.
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17	CHIEF INITED STATES DISTRICT HIDGE
18	CHIEF UNITED STATES DISTRICT JUDGE