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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

PAUL WILLIAM MUNSTER,
Plaintiff,

No. C 13-3822 NJV (PR)

ORDER OF DISMISSAL

v.

STEPHANIE BELTZ, et. al.,
Defendants.

Plaintiff, who appears to be a pretrial detainee at Santa Cruz County Jail, filed an action in San Cruz County Superior Court that defendants removed to this court on August 19, 2013. Plaintiff alleges he was denied pain medications while held at the jail, even though his primary care physician had previously prescribed them. He names as defendants Stephanie Beltz, Terry Lapidis and Monte Wilson. Plaintiff filed this action on July 1, 2013.

Court records indicate that on June 22, 2013, plaintiff commenced a federal civil rights action in this court, No. C 13-3268 NJV.¹ The federal action was brought against the same defendants and presents the exact same medical claims as in the instant action that was just removed from state court. In No. C 13-3268 NJV, the court dismissed the complaint with leave to amend and plaintiff recently filed an amended complaint. Therefore, the present case is dismissed as duplicative. *See Adams v. Cal. Dept. of Health Services*, 487 F.3d 684, 688 (9th Cir. 2007). The action will continue with the earlier filed case, No. C 13-3268 NJV.

¹ A court may take judicial notice of court records, as they are sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(b); *see also Barron v. Reich*, 13 F.3d 1370, 1377 (9th Cir.1994); *MGIC Indem. Co. v. Weisman*, 803 F.2d 500, 504 (9th Cir.1986).

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ORDER

The case is **DISMISSED** as duplicative. The clerk shall close the case.

IT IS SO ORDERED.

Dated: September 4, 2013.



NANDOR J. VADAS
United States Magistrate Judge

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

PAUL WILLIAM MUNSTER,

No. C 13-3822 NJV (PR)

Plaintiff,

v.

CERTIFICATE OF SERVICE

STEPHANIE BELTZ, et al.,

Defendants.

I, the undersigned, hereby certify that on September 4, 2013, I SERVED a true and correct copy of the attached, by placing said copy in a postage paid envelope addressed to the person(s) listed below, by depositing said envelope in the U.S. Mail.

Paul William Munster
S#188179
259 Water Street
Santa Cruz, CA 95060

/s/ Linn Van Meter

Linn Van Meter
Administrative Law Clerk to
the Honorable Nandor J. Vadas