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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

|                              |   |                                       |
|------------------------------|---|---------------------------------------|
| RICHARD J. GLAIR,            | ) | Case No. CV 13-08946 DDP (JCGx) ✓     |
|                              | ) | [CV 15-03079 DDP (JCG)]               |
| Plaintiff,                   | ) |                                       |
|                              | ) | <b>ORDER RE MOTION TO CONSOLIDATE</b> |
| v.                           | ) | <b>CASES</b>                          |
|                              | ) |                                       |
| CITY OF LOS ANGELES, JOHN N. | ) | [Dkt. No. 57 and 64]                  |
| INCONTRO. COMMANDER-         | ) |                                       |
| METROPOLITAN DIVISION LOS    | ) |                                       |
| ANGELES POLICE DEPARTMENT,   | ) |                                       |
|                              | ) |                                       |
| Defendants.                  | ) |                                       |
| _____                        | ) |                                       |

Plaintiff, a pro se litigant, filed a complaint in state court in 2013, alleging civil rights violations by officers of the Los Angeles Police Department during an emergency investigation of a shooting at a police station. (Dkt. No. 1.) That complaint was removed here as civil case number 13-08946. (Id.) During discovery, Plaintiff acquired the names of two additional officer defendants and wished to add these officers as parties to his suit. (Dkt. No. 57.) Plaintiff therefore filed a second action with the Court, which became civil case number 15-03079. (Id.) Plaintiff now moves to consolidate the two cases. (Id.)

1 In most cases, when a plaintiff wishes to add defendants, the  
2 proper procedural tool for doing so is a motion for leave to amend  
3 the complaint. Fed. R. Civ. P. 15(a)(1)(B). "Plaintiffs generally  
4 have no right to maintain two separate actions involving the same  
5 subject matter at the same time in the same court and against the  
6 same defendant." Adams v. California Dep't of Health Servs., 487  
7 F.3d 684, 688 (9th Cir. 2007). The second civil case (15-03079)  
8 should not have been filed and is therefore DISMISSED. **Plaintiff's**  
9 **Motion to Consolidate Cases (DOCKET NUMBER 57) and the Ex Parte**  
10 **(DOCKET NUMBER 64) are VACATED as moot.**

11 If Plaintiff wishes to add additional defendants to (or  
12 otherwise amend) his original complaint, he should file a motion  
13 seeking leave to amend in the original civil case (13-08946). **To**  
14 **avoid further delay, the Court orders that Plaintiff file any such**  
15 **motion for leave to amend not later than 21 days from the date of**  
16 **this order.**

17 Additionally, having reviewed the complaint in this case, the  
18 Court determines that this case should be heard by the magistrate  
19 judge and **ORDERS** the Clerk to assign this case to the magistrate  
20 pursuant to General Order 05-07 ("Assignment of Duties to  
21 Magistrate Judges"). The magistrate will hear the case, rule on  
22 non-dispositive motions, and produce a Report and Recommendation  
23 for the Court. **All pending hearing dates in case 13-08946 are**  
24 **vacated and may be re-set by the magistrate judge as his calendar**  
25 **permits.**

26 IT IS SO ORDERED.

27 Dated: August 14, 2015

  
28 DEAN D. PREGERSON  
United States District Judge