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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

EMELITO EXMUNDO,

Plaintiff,

v.

A. K. SCRIBNER, et al.,

Defendants.

CASE NO. 1:06-cv-00205-AWI-GBC PC

ORDER SEVERING PLAINTIFF’S CASES,
AND DIRECTING CLERK’S OFFICE TO
REOPEN CASE 1:07-cv-01714-LJO-SMS

ORDER REQUIRING PLAINTIFF TO FILE AN
AMENDED COMPLAINT

THIRTY-DAY DEADLINE

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Plaintiff Emelito Exmundo (“Plaintiff”) is a state prisoner who is proceeding pro se and in forma pauperis in these civil rights actions pursuant to 42 U.S.C. § 1983. On March 31, 2009, an order was issued consolidating cases 1:06-cv-00205-AWI-GBC and 1:07-cv-01714-LJO-SMS. (Doc. 27.) Upon reviewing the cases it has been determined that although both cases allege some similar incidents, case 1:07-cv-01714-LJO-SMS includes unrelated claims against different defendants that may not be joined with 1:06-cv-0205-AWI-GBC.

Based on the foregoing it is HEREBY ORDERED that:

1. Cases 1:06-cv-00205-AWI-GBC PC and 1:07-cv-01714-LJO-SMS PC be severed;
- and
2. The Clerk’s Office is ordered to:
 - a. Reopen case 1:07-cv-01714; and
 - b. Designate cases 1:06-cv-00205-AWI-GBC and 1:07-cv-01714 as related; and
 - c. Assign the actions to the same district judge and magistrate judge; and

- d. Send Plaintiff a civil rights complaint form; and
 - e. File a copy of this order in case 1:07-cv-01714-LJO-SMS; and
3. Within thirty (30) days from the date of service of this order, Plaintiff shall file an amended complaint in case 1:07-cv-01714-LJO-SMS; and
- a. The amended complaint is not to exceed 10 pages; and
 - b. The amended complaint must comply with the Federal Rules of Civil Procedure and the Local Rules; and
4. If Plaintiff fails to file an amended complaint in compliance with this order, 1:07-cv-01714 will be dismissed for failure to state a claim.

IT IS SO ORDERED.

Dated: October 13, 2010


UNITED STATES MAGISTRATE JUDGE