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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

JOHN WESLEY WILLIAMS,

Plaintiff,

v.

WOODFORD, et al.,

Defendants.

CASE NO. 1:06-cv-1535-AWI-DLB PC

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, AND DISMISSING
CERTAIN CLAIMS WITHOUT PREJUDICE

(Doc. 23)

_____ /

Plaintiff John Wesley Williams (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72-302.

On January 20, 2009, the Magistrate Judge filed a [Findings and Recommendations](#) herein which was served on plaintiff and which contained notice to plaintiff that any objection to the Findings and Recommendations was to be filed within thirty days. Plaintiff filed an [Objection](#) to the Findings and Recommendations on February 17, 2009.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the Findings and Recommendations to be supported by the record and by proper analysis. In the Objection Plaintiff contends that he has stated a claim against the Defendants that the Magistrate Judge has recommended dismissal. However, the issue is not whether Plaintiff has stated a claim; This issue is whether Plaintiff’s joinder in one action of completely separate incidents involving completely

1 separate Defendants is proper. The court agrees with the Magistrate Judge that it is improper for
2 the court to resolve this many different factual occurrences involving a multitude of Defendants in
3 one action. See George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007) (no “buckshot” complaints);
4 Fed.R.Civ.Pro.20(a)(2) (defendants may be joined in one action as defendants if any right to relief
5 is asserted against them arising out of the same transaction, occurrence, or series of transactions or
6 occurrences); Fed.R.Civ.Pro.18(a) (allowing multiple claims against opposing party but not multiple
7 unrelated claims against different defendants). In this action, the Magistrate Judge choose a
8 Defendant against whom Plaintiff has clearly stated a claim, and the Magistrate Judge ordered
9 service on this Defendant. If Plaintiff believes the complaint states other causes of action against
10 other Defendants, Plaintiff is free to file other complaints concerning each factual pattern containing
11 a common nucleus of operative facts. Thus, the objections present no grounds to not adopt the
12 Findings and Recommendation.

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. The [Findings and Recommendations](#), filed January 20, 2009, is adopted in full;
- 15 2. This action shall proceed against Defendant Vasquez for violation of the First
16 Amendment; and
- 17 3. The remaining claims are dismissed, without prejudice, for violation of Rule 18(a).

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19 IT IS SO ORDERED.

20 **Dated:** April 16, 2009

21 /s/ Anthony W. Ishii
22 CHIEF UNITED STATES DISTRICT JUDGE
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