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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
10 **FRESNO DIVISION**  
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12 JACKIE ROBINSON,

13 Plaintiff,

14 vs.

15 MIRIAM JOYA, et al.,

16 Defendants.  
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Civil No. 1: 08-01339-JLS-BLM

**ORDER LIFTING STAY,  
REASSIGNING AND  
CONSOLIDATING CIVIL CASE  
1:08-CV-01339-JLS-BLM  
WITH LEAD RELATED  
CIVIL CONSOLIDATED CASE  
No. 1:06-CV-01801-BLW-LMB**

19 Currently pending in this civil action, filed pursuant to 42 U.S.C. § 1983 by Jackie  
20 Robinson (“Plaintiff”), a Sexually Violent Predator (“SVP”) currently detained at Coalinga State  
21 Hospital (“CSH”) in Coalinga, California, is Plaintiff’s Third Amended Complaint [Doc. No.  
22 35], as well as his Motion for Preliminary Injunction [Doc. No. 36].

23 In an Order dated April 29, 2010, this Court granted in part and denied in part Plaintiff’s  
24 Motion for Leave to File his Third Amended Complaint and stayed further proceedings pending  
25 a consolidation determination by Chief Judge B. Lynn Winmill in another consolidated civil  
26 matter, *Allen v. Mayberg, et al.*, E.D. California Civil Case No. 1:06-CV-01801-BLW-LMB.  
27 See April 29, 2010 Order [Doc. No. 44] at 8-10.

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1 In granting the stay, this Court noted that counsel for Defendants had filed a Notice of  
2 Related Case in *Allen* requesting that this case, *Robinson*, E.D. Cal. Civil Case No. 1:08-01339-  
3 JLS-BLM, be consolidated with the lead consolidated *Allen* case pursuant to E.D. Cal. CivLR  
4 123(c), because at the time the Notice was filed, all that remained of this case were Plaintiff's  
5 claims for injunctive relief related to the California Department of Mental Health ("DMH") and  
6 CSH's moratorium on computer purchases and possession by SVPs serving their terms of civil  
7 commitment at CSH. See *Allen*, 1:06-CV-01801-BLW-LMB, Defs.' Notice of Related Cases  
8 [Doc. No. 43] at 5-6.

9 The consolidated *Allen* case, as well as the six other cases identified by Defendants as  
10 related and appropriate for consolidation with *Allen*, all involve claims made by SVPs related  
11 to CSH's computer moratorium and the adoption of emergency regulations declaring SVPs'  
12 personal computers to be contraband. *Id.* at 4-7. Similarly, the only claims remaining in this  
13 case (*Robinson*) are Plaintiff's claims for injunctive relief as alleged in his Third Amended  
14 Complaint [Doc. No. 35] against DMH and CSH related to the computer moratorium, as well  
15 as his Motion for Preliminary Injunction challenging that moratorium [Doc. No. 36]. All other  
16 allegations against any other party named in Plaintiff's Third Amended Complaint have been  
17 dismissed without further leave to amend. See April 29, 2010 Order [Doc. No. 44] at 3-8.

18 On July 22, 2010, United States Magistrate Judge Larry M. Boyle issued a Report and  
19 Recommendation ("R&R") and Order in the consolidated *Allen* case directing the Clerk of Court  
20 to send a copy of his Order to this Court, as well as the presiding judges in the six other cases  
21 identified by Defendants as related cases to "determine whether to reassign [each] particular case  
22 for consolidation based on the claims made in [each] particular case." See *Allen v. Mayberg, et*  
23 *al.*, E.D. Cal. Civil Case No. 1:06-CV-01801-BLW-LMB, July 23, 2010 R&R and Order [Doc.  
24 No. 54] at 6. Judge Boyle noted that unless the case "has been processed to the point that it is  
25 close enough to resolution so that consolidation would effect an unnecessary delay .... it should  
26 be reassigned to this Court and consolidated with this action." *Id.* Judge Boyle also  
27 "respectfully request[ed] ... that [the] reassignment occur within thirty (30) days of his Order.  
28 *Id.* at 9.

1 Accordingly, this Court now finds that *Robinson v. Joya, et al.*, E.D. Cal. Civil Case No.  
2 1:08-CV-01339-JLS-BLM is sufficiently related to *Allen v. Mayberg, et al.*, E.D. Cal. Civil Case  
3 No. 1:06-CV-01801-BLW-LMB to justify its reassignment to that court and consolidation with  
4 that case. This Court further finds that both cases involve similar issues of law and fact and that  
5 neither reassignment nor consolidation will effect any unnecessary cost or delay. *See*  
6 FED.R.CIV.P. 42(a); *Pierce v. County of Orange*, 526 F.3d 1190, 1203 (9th Cir. 2008) (noting  
7 district court's "broad discretion" to consolidate civil actions under Rule 42, especially those  
8 pending in the same district) (internal citation omitted).

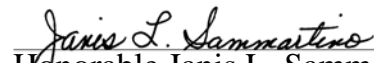
9 **Conclusion and Order**

10 For all the reasons set forth above, this Court hereby lifts the stay entered in this matter  
11 on April 29, 2010, and reassigns and consolidates this action, *Robinson v. Joya*, E.D. Cal. Civil  
12 Case No. 1:08-CV-01339-JLS-BLM with *Allen v. Mayberg, et al.*, E.D. Cal. Lead Consolidated  
13 Civil Case No. 1:06-CV-01801-BLW-LMB pursuant to FED.R.CIV.P. 42(a).

14 The Clerk of Court is directed to file a copy of this Order in *both* this civil docket as well  
15 as in the docket of *Allen v. Mayberg, et al.*, Civil Case No. 1:08-CV-01801-BLW-LMB in order  
16 to notify both courts and all parties of the reassignment and consolidation.

17 **IT IS SO ORDERED.**

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19 DATED: August 3, 2010

20   
21 Honorable Janis L. Sammartino  
22 United States District Judge  
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