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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

GEORGE VASQUEZ,

CASE NO. 1:10-cv-1973-MJS (PC)

Plaintiff,

ORDER REASSIGNING AND  
CONSOLIDATING CIVIL CASE No. 1:10-cv-  
1973-MJS WITH LEAD RELATED CIVIL  
CONSOLIDATED CASE No. 1:06-cv-1801-  
BLW-LMB

v.

STEVEN MAYBERG, et al.,

Defendants.

\_\_\_\_\_ /

Plaintiff George Vasquez is civilly detained in Coalinga State Hospital (“CSH”) pursuant to the California Sexually Violent Predator Act (“SVPA”). Plaintiff brings this action pursuant to 42 U.S.C. § 1983 alleging that Defendants, administrators at CSH, have violated his constitutional rights by implementing procedures that will result in the seizure of personal electronic equipment, such as his laptop computer and external memory drives. Plaintiff asks for monetary damages and injunctive relief and has moved for a Temporary Restraining Order to enjoin Defendants from seizing his electronic property.

The consolidated case of Allen v. Mayberg, No. 1:06-cv-1801-BLW-LMB, involves claims by civil detainees detained pursuant to the SVPA relating to CSH’s moratorium on computers and other electronic equipment. The suit challenges CSH’s authority to confiscate the equipment. On July 22, 2010, Magistrate Judge Larry M. Boyle directed other judges in the district to review their cases and reassign and consolidate any actions

1 that were sufficiently related to the claims asserted in that case.<sup>1</sup> Judge Boyle stated that  
2 a related case should be reassigned unless it “has been processed to the point that it is  
3 close enough to resolution so that consolidation would effect an unnecessary delay.”  
4 (Allen, ECF No. 54.)

5 The Court has reviewed the claims asserted in Allen, as well as Plaintiff’s claim in  
6 the above-captioned action, and finds that they are sufficiently related so as to warrant  
7 consolidation. Moreover, the instant action was only recently filed. Consolidation would  
8 not, therefore, effect unnecessary delay. Fed. R. Civ. P. 42(a); Pierce v. County of  
9 Orange, 526 F.3d 1190, 1203 (9th Cir. 2008). In fact, Plaintiff is far more likely to be  
10 afforded timely relief through consolidation and participation in the scheduled triage  
11 conference than if he were to proceed with this individual action.<sup>2</sup>

12 Accordingly, the Court hereby orders that the above-captioned action be  
13 **CONSOLIDATED** with lead case Allen v. Mayberg, 1:06-cv-1801-BLW-LMB and  
14 **REASSIGNED** to the presiding judge. The Clerk of Court is to file a copy of this Order in  
15 **both** the above-captioned docket and the docket in Allen v. Mayberg, 1:06-cv-1801-BLW-  
16 LMB in order to notify both courts and all parties of the reassignment and consolidation.  
17 The Clerk shall close this member case.

18  
19 IT IS SO ORDERED.

20 Dated: October 30, 2010

*/s/ Michael J. Seng*  
UNITED STATES MAGISTRATE JUDGE

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24 <sup>1</sup> Although Judge Boyle limited the consolidation of additional actions to thirty days after the  
25 Report and Recommendation was filed, the Court finds that consolidation of this case is appropriate  
because the triage conference has not yet taken place. The parties to this case will have a reasonable  
amount of time to prepare for the triage conference, which the undersigned believes is scheduled in  
December 2010.

26  
27 <sup>2</sup> Plaintiff is free to refile his Temporary Restraining Order in the consolidated action. However,  
28 the Court has ordered the parties to address whether seizure of electronic equipment is appropriate at the  
triage conference. (Allen, ECF No. 64.) In response to the Court’s order, Defendants have stated:  
“Defendants will make a determination if confiscation is appropriate after the triage conference is held with  
this honorable court.” (Allen, ECF No. 70.)