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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GEORGE N. ALLEN, MANSFIELD R.
BROWN, WAYNE P. DeBERRY, HENRY
C. SCOTT,

Plaintiffs,

v.

STEPHEN MAYBERG, et al.,

Defendants.

1:08-cv-1859-DLB (PC)

ORDER DISMISSING ACTION AS
DUPLICATIVE

ORDER DIRECTING CLERK OF COURT TO
CLOSE CASE

George N. Allen, Mansfield R. Brown, Wayne P. DeBerry, and Henry C. Scott
("Plaintiffs") are all confined from liberty as a result of civil commitments under California's
Welfare & Institution Code sections 6600 et seq. Plaintiffs are proceeding pro se in this civil
rights action filed pursuant to 42 U.S.C. § 1983.

The instant action was filed on December 4, 2008 against Stephen Mayberg and Pam
Ahlin as a Petition for Writ of Mandate and civil suit alleging enactment of hospital regulations
paying Plaintiffs unconstitutional sub-minimum wages for labor performed while confined at
Coalinga State Hospital. (Doc. 1.) This action was initially designated as a general civil case
concerning civil rights and was assigned case number 1:08-cv-01859-OWW-SMS (PC). Upon
further review, it was determined that this action involves civil detainees litigating the conditions
of confinement at a California state hospital such that the designation of the case was changed to

1 a prisoner civil rights action, new judges were assigned, and the case number was changed to
2 1:08-cv-01859-DLB. (Docs. 3 & 4.) Subsequently, all Plaintiffs consented to jurisdiction by
3 U.S. Magistrate Judge. (Docs. 5-8.)

4 Upon review of this case, the Court has concluded that the action submitted on December
5 4, 2008 involves a defendant, issues, and factual allegations that are identical to those previously
6 raised in actions filed individually by the Plaintiffs as follows:

7	1:06-cv-01801-AWI-GSA	Allen v. Mayberg, et al.
8	1:07-cv-00849-SMS	Brown v. Mayberg, et al.
9	1:07-cv-00850-RC	DeBerry v. Mayberg, et al.
10	1:07-cv-00897-BLW	Scott v. Mayberg, et al.

11 “After weighing the equities of the case, the district court may exercise its discretion to
12 dismiss a duplicative later-filed action, to stay that action pending resolution of the previously
13 filed action, to enjoin the parties from proceeding with it, or to consolidate both actions.”
14 Adams v. California Dept. of Health Services, 487 F.3d 684, 688 (9th Cir. 2007). “Plaintiffs
15 generally have ‘no right to maintain two separate actions involving the same subject matter at the
16 same time in the same court and against the same defendant.’” Id. (quoting Walton v. Eaton
17 Corp., 563 F.2d 66, 70 (3d Cir.1 1977)(en banc)). “[A] suit is duplicative if the claims, parties,
18 and available relief do not significantly differ between the two actions.” Id. at 689.

19 The present action, 1:08-cv-01859-DLB, is duplicative of the Plaintiffs’ prior individual
20 suits. Plaintiffs bring the same causes of action, regarding the same issues and factual
21 allegations, in the same court. The only significant difference is that Pam Ahlin was not named
22 as a defendant in the Plaintiffs’ previously filed lawsuits. However, Ms. Ahlin is a named
23 defendant in the case of Chaney v. Mayberg, et al., case number 1:08-cv-1196-BLW, with which
24 the Plaintiffs’ previously filed suits, and others, are anticipated to be consolidated in the near
25 future.

26 Accordingly, in light of the duplicative nature of the instant action to the Plaintiffs’
27 previously filed individual actions, the Court HEREBY ORDERS the instant action DISMISSED
28 ///

1 as duplicative. The Clerk of Court is DIRECTED to administratively close this action in
2 accordance with this Order.

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4 IT IS SO ORDERED.

5 **Dated: January 12, 2009**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE

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