

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

BARRY LAMON,

Plaintiff,

v.

JOHN TILTON, et al.,

Defendants.

CASE NO. 1:09-cv-00157-AWI-SKO PC

ORDER DENYING PLAINTIFF’S
MOTION FOR EVIDENTIARY
HEARING ON RELATED CASES

(Doc. 25)

Plaintiff Barry Lamon, a state prisoner proceeding pro se and in forma pauperis, filed this civil rights action pursuant to 42 U.S.C. § 1983 on January 26, 2009. This action is proceeding against Defendant Birkholm for violation of the First Amendment and Defendants Birkholm, Mayugba, and Schutt for violation of the Eighth Amendment.

On June 7, 2011, Plaintiff filed a motion seeking a hearing so that he may show cause regarding related claims raised in separate actions. Plaintiff seeks an evidentiary hearing to sort out the potentially duplicative claims in his civil actions and he cites to 28 U.S.C. § 1651 (the All Writs Act) and Local Rule 123(a) as authority for his motion.

The All Writs Act authorizes the issuance of extraordinary writs in aid of the issuing court’s jurisdiction. Clinton v. Goldsmith, 526 U.S. 529, 534, 119 S.Ct. 1538 (1999) (quotations omitted). Plaintiff’s reliance on the All Writs Act in support of his request for an evidentiary hearing is misplaced and his citation to the Act is disregarded.

Plaintiff is responsible for keeping track of his pending cases and there is no provision that entitles Plaintiff to a general evidentiary hearing to address the issue of duplicative claims in his

1 pending actions. While Plaintiff's motion was apparently motivated by the issuance of an order to
2 show cause regarding the presence of duplicative claims in case numbers 1:07-cv-01390-LJO-GBC
3 PC Lamon v. Adams and 1:07-cv-000493-AWI-DLB PC Lamon v. Tilton, the issue is presently
4 confined to those cases and if Plaintiff wishes to be heard, he must address the issue in the case in
5 which it was raised, which is 1:07-cv-01390-LJO-GBC PC.¹ Accordingly, Plaintiff's motion is
6 HEREBY DENIED.

7
8 IT IS SO ORDERED.

9 Dated: June 10, 2011


10 CHIEF UNITED STATES DISTRICT JUDGE

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

¹ On June 7, 2011, Judge Cohn recommended dismissal of case number 1:07-cv-01390-LJO-GBC PC on res
judicata grounds. Any disagreement with that determination must be raised in that case.