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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ALEX MACHADO,

Plaintiff,

v.

KELLY HARRINGTON, et al.,

Defendants.

CASE NO. 1:10-cv-434-AWI-GSA (PC)
1:10-cv-570-OWW-MJS (PC)

ORDER GRANTING MOTION TO
CONSOLIDATE

(ECF No. 16 in 1:10-cv-434-AWI-GSA (PC))
(ECF No. 12 in 1:10-cv-570-OWW-MJS (PC))

CLERK SHALL ADMINISTRATIVELY CLOSE
CASE 1:10-cv-570-OWW-MJS (PC)

ALL FUTURE FILINGS SHOULD BE MADE IN
1:10-cv-434-AWI-GSA (PC)

Plaintiff Alex Machado (“Plaintiff”) is a state prisoner proceeding pro se and in forma pauperis in these civil rights actions pursuant to 42 U.S.C. § 1983. Before the Court is Plaintiff’s Motion to Consolidate cases 1:10-cv-434-AWI-GSA and 1:10-cv-570-OWW-MJS. Plaintiff contends that the cases relate to the exact same issues and facts.

When actions involving common questions of law or fact are pending before the Court, it may order the actions consolidated on motion by either party or on the Court’s own motion when it appears that consolidation would aid in the efficient and economic disposition of the case. See Fed. R. Civ. P. 42(a); In re Air Crash Disaster at Florida Everglades on December 29, 1972, 549 F.2d 1006 (5th Cir. 1977). The grant or denial of a motion to consolidate rests in the trial court’s sound discretion, and is not dependant on party approval. Investors Research Co. v. United States Dist. Ct., 877 F.2d 777 (9th Cir. 1989); Cantrell v. GAF Corp., 999 F.2d 1007, 1007, 1001 (6th Cir. 1993). In determining whether to consolidate actions, the Court weighs the interest of judicial convenience

1 against the potential for delay, confusion, and prejudice caused by consolidation. Southwest Marine,
2 Inc., v. Triple A. Mach. Shop, Inc., 720 F. Supp. 805, 807 (N.D. Cal. 1989).

3 In this case, the factors undoubtedly weigh in favor of consolidation. Plaintiff has filed the
4 instant Motion based on his representation that the two cases involve the same facts and issues. No
5 other party has appeared. The Court has reviewed the operative Complaints and finds that they
6 involve common questions of law and fact. There is little to no risk of delay, confusion or prejudice.

7 Accordingly, it is HEREBY ORDERED that:

- 8 1. Plaintiff's Motions to Consolidate are GRANTED;
- 9 2. Case number 1:10-cv-570-OWW-MJS (PC) is consolidated with 1:10-cv-434-AWI-
10 GSA (PC);
- 11 3. The Clerk of the Court shall administratively close case number 1:10-cv-570-OWW-
12 MJS (PC);
- 13 5. No further filings will be allowed in 1:10-cv-570-OWW-MJS (PC); and
- 14 6. All future filings shall bear case number 1:10-cv-434-AWI-GSA (PC).

15 IT IS SO ORDERED.

16 **Dated: July 16, 2010**

17 /s/ Oliver W. Wanger
18 UNITED STATES DISTRICT JUDGE
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