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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GREGG L. BARNES,

Plaintiff,

v.

SCHWARZENEGGER, et al.,

Defendants.

CASE NO. 1:10-CV-00727-LJO-DLB PC

ORDER DENYING MOTION

(ECF NO. 9)

_____ /

Plaintiff Gregg L. Barnes (“Plaintiff”) is a prisoner in the custody of the California Department of Corrections and Rehabilitation. Pending before the Court is Plaintiff’s motion entitled “Motion For Reconsideration of Motion Filed To Intervene And Not a New Case, Venue was Proper in This Honorable Court, Not Eastern Dist.” (ECF No. 9.) Plaintiff appears to contend that he did not intend to file a new action, but rather sought to intervene in another case, *Martinez v. Schwarzenegger, et al.*, which was filed in 2008. (Pl.’s Mot. 1.)

Plaintiff appears to be requesting to intervene pursuant to Federal Rule of Civil Procedure 24. Plaintiff does not qualify for mandatory intervention because Plaintiff points to no federal statute giving such right, and Plaintiff is not so situated that disposing of the matter may impair or impede his ability to protect his interests. Fed. R. Civ. P. 24(a). Permissive intervention is a matter of judicial discretion, and the Court declines to do so here. *Id.* 24(b). Intervention by Plaintiff at this time would cause undue delay or prejudice the adjudication of the original parties’ rights. *Id.* Accordingly, it is HEREBY ORDERED that Plaintiff’s motion, filed June 18, 2010, is DENIED.

IT IS SO ORDERED.

Dated: June 30, 2010

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE