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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

VICENTE GARCIA,

CASE NO. 1:10-cv-730-AWI-MJS (PC)

Plaintiff,

ORDER DENYING MOTION FOR
PERMISSIVE JOINDER

v.

JOAQUIN, et al.,

(ECF No. 29)

Defendants.

_____ /

Plaintiff Vincente Garcia ("Plaintiff") is a state prisoner proceeding pro se and in forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. Before the Court is Plaintiff's Motion for Permissive Joinder seeking to combine this action with one pending before the Sacramento Division of the Court. (ECF No. 29.)

Federal Rule of Civil Procedure 20(a)(2)(B) allows for joinder of defendants if there is "any question of law or fact common to all defendants." Though both of Plaintiff's actions involve the common question of whether the prisons' treatment of his diabetes was constitutionally sufficient, each action has different defendants and revolves around the care provided at different facilities. "[T]he mere fact that ... claims arise under the same general law does not necessarily establish a common question of law or fact." Coughlin v.

1 Rogers, 130 F.3d 1348, 1351 (9th Cir. 1997). “Where claims require significant
2 ‘individualized attention,’ they do not involve ‘common questions of law or fact.’” Coalition
3 For A Sustainable Delta v. U.S. Fish & Wildlife Serv., 2009 WL 3857417, at *7 (E.D. Cal.
4 Nov. 17, 2009) (quoting Coughlin, 130 F.3d at 1351). In this case, Plaintiff’s claims require
5 individualized attention because they involve an analysis of whether the care provided by
6 different defendants at two different facilities met constitutional standards. Though the
7 relevant legal standard may be the same for both cases, the facts underlying each case
8 and the defendants involved in each case are completely separate. As such, it does not
9 appear joinder is appropriate.

11 Accordingly, Plaintiff’s Motion for Permissive Joinder is DENIED.

14 IT IS SO ORDERED.

16 Dated: April 20, 2011

15 /s/ Michael J. Seng
17 UNITED STATES MAGISTRATE JUDGE