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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

WESLEY KANE CAMPBELL,  
Plaintiff,

CASE NO. 1:10-cv-02137-OWW-GBC PC  
1:10-cv-02200-OWW-SMS PC

v.

DIRECTOR OF HEALTH CARE, et al.,  
Defendants.

ORDER CONSOLIDATING ACTIONS  
AND DESIGNATING LEAD CASE AS  
1:10-cv-02137-OWW-GBC PC

ORDER FOR CLERK TO CLOSE CASE 1:10-  
cv-02200-OWW-SMS PC

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**I. Procedural History**

Plaintiff Wesley Kane Campbell (“Plaintiff”) is a state prisoner proceeding pro se in these civil rights actions pursuant to 42 U.S.C. § 1983. On November 16, 2010, Plaintiff filed a complaint in 1:10-cv-02137-OWW-GBC. On November 29, 2010, Plaintiff filed a complaint in 1:10-cv-02200-OWW-SMS.

**II. Complaint Allegations**

**A. 1:10-cv-02137-OWW-GBC**

Plaintiff brings suit against Defendants Governor Arnold Schwarzenegger, Matthew Cate, an unnamed correctional officer, Director of Health Care, and all medical staff at California State Prison Corcoran. Plaintiff alleges that the unnamed correctional officer has been giving him food trays that smell like feces. When Plaintiff receives his food tray from correctional officers the food smells like feces and the food has feces in it. He has been feeling ill. Additionally, he has chronos

1 in his file that have no merit and he wants them removed. Plaintiff is requesting twenty million  
2 dollars, all his health care to be paid, and a blood test.

3 **B. 1:10-cv-02200-OWW-SMS**

4 Plaintiff brings suit against Defendants Director of Department of Corrections and  
5 Rehabilitation Matthew Cate, Governor Arnold Schwarzanegger, and Warden Lopez alleging that  
6 during 2009 he was receiving feces in every food tray that he received. Plaintiff has sent Defendant  
7 Schwarzenegger over thirty letters. Defendant Lopez has been sent letters stating that Plaintiff has  
8 been receiving trays containing feces. Additionally, Defendant Cate has “copied a chrono” that  
9 falsely designated Plaintiff as a sex offender. Plaintiff is seeking to have the designation removed  
10 from his record and 700 million dollars.

11 **III. Consolidation of Actions**

12 The two complaints pending before the Court involve common questions of law and fact.  
13 Fed. R. Civ. P. 42(a). They both concern the same allegations that Plaintiff is being fed food  
14 containing feces and has false information in his prisoner file. It is the Court’s practice in cases such  
15 as this to combine consolidated actions into a single action with one operative pleading. See  
16 Schnabel v. Lui, 302 F.3d 1023 (9th Cir. 2002) (describing three possible consolidation procedures  
17 but declining to decide which is proper). Therefore, to avoid unnecessary costs and delay, the Court  
18 in its discretion shall order Plaintiff’s actions consolidated.

19 Based on the foregoing, it is HEREBY ORDERED that:

- 20 1. Cases 1:10-cv-02137-OWW-GBC and 1:10-cv-02200-OWW-SMS shall be  
21 consolidated into a single case;
- 22 2. The Clerk of the Court shall docket this order in both cases; and
- 23 3. The Clerk of the Court shall close case 1:10-cv-02200-OWW-SMS.

24  
25 IT IS SO ORDERED.

26 **Dated: December 14, 2010**

27 /s/ Oliver W. Wanger  
28 UNITED STATES DISTRICT JUDGE