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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

BRUCE KOKLICH,

CASE NO. 1:11-cv-01507-LJO-BAM PC

Plaintiff,

v.

ORDER DENYING PLAINTIFF’S MOTION FOR RECONSIDERATION AND MOTION FOR AMENDMENT TO ORDER DISMISSING ACTION

CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION, et al.,

(ECF Nos. 25-28)

Defendants.

Plaintiff Bruce Koklich (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action in Fresno County Superior Court on August 25, 2010. On August 18, 2011, Defendant P. Mendoza removed the action to federal court. Koklich v. California Department of Corrections and Rehabilitation, 1:11-cv-01403-DLB PC (E.D.Cal. Aug. 18, 2011). On August 25, 2011, Defendants Babcock, Walker, and Ward joined in the removal. Defendant McCoy joined on September 7, 2011.

On September 6, 2011, Defendant Kelso, a defendant named in the above referenced state case, filed a notice of removal and this action was opened. (ECF No. 1.) On September 7, 2011, Defendant filed a notice of related case stating that he was unaware of the removal of this action by the other defendant and the assignment of this action to one judge will effect substantial savings of judicial effort. On October 17, 2011, an [order](#) issued dismissing this action as duplicative and advising Defendant Kelso to file a notice of joinder in Koklich v. California Department of Corrections and Rehabilitation, 1:11-cv-01403-DLB PC (E.D.Cal. Aug. 18, 2011). Defendant Kelso

1 had filed a notice of joinder on October 18, 2011. On October 4, 2011, Plaintiff filed a [motion for](#)  
2 [reconsideration](#) of the order dismissing the action and a [motion for amendment](#) to the order  
3 dismissing this action.

4 The court did not exceed its discretion by ordering that Plaintiff's cases proceed as a single  
5 action. The defendants were named in the same state action which was inadvertently removed by  
6 two of the defendants. Plaintiff's action against Defendant Kelso is proceeding in 1:11-cv-01403-  
7 DLB-PC.

8 Accordingly, it is HEREBY ORDERED that Plaintiff's motion for reconsideration and  
9 motion for amendment to the order dismissing this action, filed November 4, 2011, are DENIED.

10 IT IS SO ORDERED.

11 **Dated:** November 7, 2011

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE