

RULE 123 (Fed. R. Civ. P. 83)**RELATED CASES**

(a) Definition of Related Cases. An action is related to another action within the meaning of this Rule when

(1) both actions involve the same parties and are based on the same or a similar claim;

(2) both actions involve the same property, transaction, or event;

(3) both actions involve similar questions of fact and the same question of law and their assignment to the same Judge or Magistrate Judge is likely to effect a substantial savings of judicial effort, either because the same result should follow in both actions or otherwise; or

(4) for any other reasons, it would entail substantial duplication of labor if the actions were heard by different Judges or Magistrate Judges.

(b) Duties of Counsel. Counsel who has reason to believe that an action on file or about to be filed may be related to another action on file (whether or not dismissed or otherwise terminated) shall promptly file in each action and serve on all parties in each action a Notice of Related Cases. This notice shall set forth the title and number of each possibly related action, together with a brief statement of their relationship and the reasons why assignment to a single Judge and/or Magistrate Judge is likely to effect a savings of judicial effort and other economies. The Clerk shall notify the Judges and Magistrate Judges to whom the actions are assigned promptly of such filing.

(c) Reassignment. Following the filing of a Notice of Related Cases, the Chief Judge or a Judge designated by the Chief Judge may, by special order, reassign either action to any Judge or Magistrate Judge sitting in the Eastern District of California as the situation may dictate. If the Judge to whom the action with the lower or lowest number has been assigned determines that assignment of the actions to a single Judge is likely to effect a savings of judicial effort or other economies, that Judge is authorized to enter an order reassigning all higher numbered related actions to himself or herself.

(d) Refiling. An action may not be dismissed and thereafter refiled for the purpose of obtaining a different Judge or Magistrate Judge. If an action is dismissed and it, or one essentially the same, is refiled, it shall be assigned to the same Judge and Magistrate Judge. It is the duty of all counsel appearing therein to bring the facts of the refiling to the attention of the Clerk pursuant to this Rule. See L.R. 110.

(e) Habeas Corpus Petitions. Related habeas corpus petitions are governed by L.R. 190(d) or L.R. 191(f)(5) as the case may be.

(f) Petition for Violation of Probation or Supervised Release. Where a Notice of Related Cases is filed suggesting that a petition for probation action and/or violation of the terms of supervised release should be related to a new indictment, and the basis of the probation petition or alleged supervised release violation is the conduct underlying the new indictment, the two actions shall be related and the Judge or Magistrate Judge assigned to the new criminal action shall also be assigned the earlier action, unless the original sentencing judge desires to retain the first action, in which circumstance both actions shall be assigned to the original sentencing judge.