

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

GREGORY EDISON,

Plaintiff,

v.

**GEO GROUP, Inc., MANAGEMENT &
TRAINING CORP (MTC) Inc., and
DOES 1-50,**

Defendants

GREGORY EDISON,

Plaintiff,

v.

**UNITED STATES OF AMERICA,
GEO GROUP, Inc., MANAGEMENT &
TRAINING CORP (MTC) Inc., and
DOES 1-50,**

Defendants

RELATED CASES

1:12-CV-1654 AWI SKO

1:12-CV-1933 AWI SKO

**ORDER VACATING JANUARY 7,
2013 HEARINGS, JANUARY 28, 2013
HEARINGS, AND MARCH 4, 2012
HEARING**

**ORDER REFERRING PENDING
MOTIONS TO DISMISS TO
MAGISTRATE JUDGE SHEILA
OBERTO**

Plaintiff was a federal prisoner at Taft Correctional Facility (“Taft”). Plaintiff alleges that entities running Taft violated state and federal law while Plaintiff was incarcerated there. Specifically, Plaintiff contends that Defendants were negligent by housing Plaintiff at a location known for Valley Fever (Coccidioidomycosis), failing to properly mitigate Plaintiff’s exposure to Valley Fever, and neglecting to appropriately treat Plaintiff’s Valley Fever, after Plaintiff

1 contracted it.

2 For unknown reasons, Plaintiff has filed a total of three actions concerning these events.¹
3 The various Defendants in these actions have now filed motions to dismiss and set these motions
4 to dismiss for several different hearing dates. The court's understanding of the three cases is set
5 forth below:

6 Case 1:12-cv-1654 AWI SKO, is proceeding on Plaintiff's First Amended Complaint,
7 filed on November 14, 2012. In 1:12-cv-1654 AWI SKO, Plaintiff names the United States of
8 America, the GEO Group, and Management & Training Corporation ("MTC") as Defendants.
9 Case 1:12-cv-1654 AWI SKO alleges a negligence cause of action against the United States of
10 American, pursuant to the Federal Tort Claims Act, for Defendants' failure to provide Plaintiff
11 with a safe and habitable prison and for the United States of American's failure to operate and
12 maintain Taft in a safe and habitable condition. Case 1:12-cv-1654 AWI SKO also alleges that
13 the United States of American breached its duty of care under 18 U.S.C. § 4042(a). Finally, Case
14 1:12-cv-1654 AWI SKO alleges that the GEO Group and MTC were negligent in failing to
15 provide, operate, and maintain a safe and habitable prison.

16 Case 1:12-cv-1933 AWI SKO was originally filed in the Kern County Superior Court on
17 October 9, 2012. This action names the GEO Group and MTC as Defendants. Case 1:12-cv-
18 1933 AWI SKO alleges Defendants were negligent for failing to provide a safe and habitable
19 prison and Defendants were negligent in their use of the premises. As with Case 1:12-cv-1654
20 AWI SKO, Case 1:12-cv-1933 AWI SKO is also based on allegations that Taft is located on a
21 site immersed in the airborne spores that case Valley Fever and Defendants failed to implement
22 preventative measures to protect Plaintiff from the infection he now carries. Because
23 Defendants and Plaintiff are citizens of different states, on November 26, 2012, Defendants
24 removed Case 1:12-cv-1933 AWI SKO to this court.

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26 ¹ Plaintiff is encouraged to review his three cases. Plaintiff is advised to either dismiss
27 duplicative cases or request that all cases be consolidated and proceed with an amended
complaint.

1 Case 1:12-cv-2026 AWI SKO was filed on December 13, 2012. Case 1:12-cv-2026
2 AWI SKO names the United States of America, the GEO Group, and MTC as Defendants. Case
3 1:12-cv-2026 AWI SKO alleges a negligence cause of action against the United States of
4 American, pursuant to the Federal Tort Claims Act, for the United States of America's failure to
5 provide inmates with a safe and habitable prison and for the United States of American's failure
6 to operate and maintain prison facilities in safe and habitable conditions. Case 1:12-cv-2026
7 AWI SKO also alleges the United States of American breached its duty of care under 18 U.S.C. §
8 4042(a). Finally, case 1:12-cv-2026 AWI SKO alleges the GEO Group and MTC were negligent
9 in failing to provide, operate, and maintain a safe and habitable prison.

10 As stated above, multiple motions have been filed in Case 1:12-cv-1654 AWI SKO and
11 Case 1:12-cv-1933 AWI SKO.² In Case 1:12-cv-1654 AWI SKO: Defendant GEO Group has
12 filed a motion to dismiss set for hearing on January 7, 2013; Defendant United States of
13 America has filed a motion to dismiss for lack of jurisdiction set for hearing on March 4, 2013;
14 and, Defendant MTC has set a motion to dismiss for hearing on January 28, 2013. In Case
15 1:12-cv-1933 AWI SKO: Defendant GEO Group filed a motion to dismiss set for hearing on
16 January 7, 2013; and, Defendant MTC has set a motion to dismiss for hearing on January 28,
17 2013.

18 The court has reviewed the five pending motions in Case 1:12-cv-1654 AWI SKO and
19 case 1:12-cv-1933 AWI SKO. The pending motions all concern whether Plaintiff has exhausted
20 relevant administrative remedies and whether the complaints' allegations about Taft's conditions
21 state a claim for negligence. Because these cases and the pending motions concern prison
22 conditions, the court finds that these motion should be referred to Magistrate Judge Sheila Oberto
23 pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 72 for the entry for Findings and
24 Recommendations.

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27 ² Given the early procedural posture of 1:12-cv-2026 AWI SKO, no motions have yet
28 been filed in this case.

1 Accordingly, it is HEREBY ORDERED that:

- 2 1. The five pending motions to dismiss in Case 1:12-cv-1654 AWI SKO and Case
3 1:12-cv-1933 AWI SKO are REFERRED to Magistrate Judge Sheila Oberto;
4 2. The hearing dates before the undersigned on January 7, 2013, January 28, 2013,
5 and March 4, 2012 are VACATED;
6 3. In the event Magistrate Judge Sheila Oberto desires to hold a hearing on some or
7 all of the pending motions, Magistrate Judge Sheila Oberto's Chambers will
8 contact the parties and set a hearing date at Magistrate Judge Sheila Oberto's
9 convenience.

10 IT IS SO ORDERED.

11 Dated: January 3, 2013



12 UNITED STATES DISTRICT JUDGE
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