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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DARRELL HARRIS,

Plaintiff,

v.

R. PIMENTEL, et al.,

Defendants.

Case No. 1:13-CV-01354-LJO-MJS (PC)

**ORDER DENYING MOTION TO
CONSOLIDATE CASES (ECF No. 40)**

Plaintiff is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action brought pursuant to 28 U.S.C. § 1983. The action proceeds on Plaintiff's Free Exercise, RLUIPA and Equal Protection claims against Defendant Escamilla. (ECF No. 10.) Escamilla has been served and has appeared in the action. (ECF No. 14.)

On May 13, 2015, Plaintiff moved to consolidate the instant action with a state court case now pending appeal. (ECF No. 40, at 2.) Plaintiff alleges that the two cases involve the same parties and the same or similar claims.

This Court has no power to consolidate the instant action with an action filed in a

1 state court. Fed. R. Civ. P. 42(a). Under Rule 42, a court may only consolidate actions
2 that are pending before it. Therefore, the Court will deny Plaintiff's motion to
3 consolidate.

4 Based on the foregoing, Plaintiff's motion to consolidate is HEREBY DENIED.

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7 IT IS SO ORDERED.

8 Dated: May 27, 2015

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE

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