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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHNNY G. BRIONES,
Plaintiff,
v.
S. FLORES, et al.,
Defendants.

No. 1:14-cv-01479 DLB PC
ORDER DENYING PLAINTIFF’S MOTION
TO CONSOLIDATE OR RELATE ACTIONS
(Document 33)

This is a civil rights action filed pursuant to 42 U.S.C. § 1983 by Johnny G. Briones, a state prisoner proceeding pro se and in forma pauperis. The action is proceeding on Plaintiff’s First Amended Complaint for violation of the Eighth Amendment against Defendants Flores, Walker, Jericoff, Catlett, Arrequin and Gonzales.

Defendants Walker, Jericoff, Catlett, Arrequin and Gonzales filed a motion for summary judgment, arguing that the claims against them are not exhausted.¹ The motion is ready for decision.²

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¹ The motion does not involve the claims against Defendant Flores.
² The Court is waiting for Defendants to inform it whether they consent or decline Magistrate Judge jurisdiction.

1 On July 22, 2016, Plaintiff filed a motion to consolidate, or relate, this action with *Briones*
2 *v. Hand*, 1:14-cv-00750 LJO EPG. Defendants opposed the motion on July 25, 2016, and
3 Plaintiff filed his reply on August 5, 2016. The motion is ready for decision pursuant to Local
4 Rule 230(1).

5 The Court has broad discretion to consolidate actions which involve a common question
6 of law or fact. Fed. R. Civ. P. 42(a)(2); *Pierce v. County of Orange*, 526 F.3d 1190, 1203 (9th
7 Cir. 2008); *Investors Research Co. v. U.S. Dist. Court for Cent. Dist. of Cal.*, 877 F.2d 777 (9th
8 Cir. 1989). In determining whether to consolidate actions, the Court weighs the interest of
9 judicial convenience against the potential for delay, confusion, and prejudice caused by
10 consolidation. *Southwest Marine, Inc., v. Triple A. Mach. Shop, Inc.*, 720 F.Supp. 805, 807
11 (N.D.Cal.1989).

12 Here, Plaintiff argues that the two actions involve excessive force and occurred at the
13 same prison. He believes that discovery will overlap and that consolidation will be beneficial.

14 Plaintiff is incorrect. While the two actions involve excessive force and the same
15 institution, the actions involve different Defendants and an entirely different incident. A small
16 portion of general discovery may overlap, but the majority of discovery will be case-specific.

17 Accordingly, Plaintiff's motion is DENIED.

18
19 IT IS SO ORDERED.

20 Dated: August 15, 2016

/s/ Dennis L. Beck
21 UNITED STATES MAGISTRATE JUDGE