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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

HOWARD SIPE, et al.,

Plaintiffs,

v.

AUDREY KING, et al.,

Defendants.

Case No. 1:14-cv-02016-LJO-MJS (PC)

**ORDER SEVERING CLAIMS OF
STEPHEN WILSON, AND DIRECTING
CLERK'S OFFICE TO OPEN NEW
ACTION FOR STEPHEN WILSON**

(ECF No. 1)

Plaintiffs Howard Sipe and Stephen Wilson are civil detainees proceeding pro se in this civil rights action brought pursuant to 42 U.S.C. § 1983. The complaint purports to proceed on behalf of both Sipe and Wilson and is signed by both.

I. SEVERANCE OF CLAIMS

Plaintiffs' allegations do not provide a basis for a class action. Fed. R. Civ. P. 23(a)(4); Simon v. Hartford Life, Inc., 546 F.3d 661, 664–65 (9th Cir. 2008).

Courts have broad discretion regarding the permissive joinder of parties. Fed. R.

1 Civ. P. 20, 21; see Coleman v. Quaker Oats Co., 232 F.3d 1271, 1296-97 (9th Cir.
2 2000); Maddox v. County of Sacramento, No. 2:06-cv-0072-GEB-EFB, 2006 WL
3 3201078, *2 (E.D. Cal. Nov. 6, 2006). The need for co-plaintiffs to agree upon and sign
4 all filings becomes impossibly burdensome where, as here, the proposed co-plaintiffs
5 are civilly detained.

6 Accordingly, Plaintiffs Sipe and Wilson shall each proceed separately on their
7 claims. Wilson's claims shall be severed, and a new action shall be opened for his
8 claims. Gaffney v. Riverboat Serv. of Indiana, 451 F.3d 424, 441 (7th Cir. 2006). Sipe
9 shall proceed as the sole Plaintiff in this action. Each plaintiff shall be solely responsible
10 for prosecuting his own action.

11 **II. ORDER**

12 Accordingly, based on the foregoing, it is HEREBY ORDERED that:

- 13 1. Plaintiff Sipe shall proceed as the sole plaintiff in case number 1:14-cv-
14 02016-LJO-MJS (PC);
- 15 2. The claims of Stephen Wilson are severed from the claims of Plaintiff
16 Sipe;
- 17 3. The Clerk of the Court is directed to:
 - 18 a. Open a separate § 1983 civil rights action for **Stephen Wilson**,
19 CO-408-5, Coalinga State Hospital (5003), PO Box 5003, Coalinga,
20 CA 93210-5003;
 - 21 b. Assign the new action to the Magistrate Judge and District Judge to
22 whom the instant case is assigned and make appropriate
23 adjustment in the assignment of civil cases to compensate for such
24 assignment;
 - 25 c. File and docket a copy of this Order in the new action opened for
26 Stephen Wilson;
 - 27 d. Place a copy of the complaint (ECF No. 1), Exhibits (ECF No. 2),
28 and Motion to Proceed in Forma Pauperis (ECF No. 8) in the new

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action opened for Stephen Wilson;

- e. Send Stephen Wilson a copy of this order, bearing the case number assigned to his own individual action.

IT IS SO ORDERED.

Dated: February 10, 2015

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE