

1  
2  
3  
4  
5  
6  
7  
8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
10

11 ARCHIE CRANFORD,

12 Plaintiff,

13 v.

14 KATHLEEN O'BRIAN,

15 Defendant.  
16

Case No. 1:15-cv-00411-DLB PC

ORDER DENYING PLAINTIFF'S MOTION  
TO COMBINE CASES  
(Document 10)

ORDER DISMISSING ACTION

17 Plaintiff Archie Cranford ("Plaintiff") is a civil detainee proceeding pro se in this civil action  
18 pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on March 16, 2015.

19 On May 8, 2015, Plaintiff filed a motion to combine this action with 1:14-cv-00221-GSA.  
20 Plaintiff states that the cases are exactly the same in every way.

21 Claim preclusion bars litigation of claims that were or could have been raised in a prior  
22 action, Holcombe v. Hosmer, 477 F.3d 1094, 1097 (9th Cir. 2007) (quotation marks omitted), and it  
23 "requires three things: (1) identity of claims; (2) a final judgment on the merits; and (3) the same  
24 parties, or privity between parties," Harris v. County of Orange, 682 F.3d 1126, 1132 (9th Cir. 2012)  
25 (citing Cell Therapeutics, Inc. v. Lash Grp., Inc., 586 F.3d 1204, 1212 (9th Cir. 2010)).

26 In deciding whether there is an identify of claims, courts are to apply four criteria: "(1)  
27 whether rights or interests established in the prior judgment would be destroyed or impaired by  
28 prosecution of the second action; (2) whether substantially the same evidence is presented in the two

actions; (3) whether the two suits involve infringement of the same right; and (4) whether the two suits arise out of the same transactional nucleus of facts.” Harris, 682 F.3d at 1132 (quoting United States v. Liquidators of European Fed. Credit Bank, 630 F.3d 1139, 1150 (9th Cir. 2011)). “The fourth criterion - the same transactional nucleus of facts - is the most important.” Liquidators of European Fed. Credit Bank, 630 F.3d at 1151.

Upon review of 1:14-cv-00221-GSA, which was dismissed for failure to state a claim on April 29, 2015, the Court finds that the actions involve the same Defendant and the same set of facts. Both actions complained of Defendant O'Brian's alleged harassment in 2014. Accordingly, Plaintiff is precluded from bringing this action and it is **DISMISSED WITH PREJUDICE**.

Plaintiff's motion to combine the actions is **DENIED**.

IT IS SO ORDERED.

Dated: May 14, 2015

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE