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5 **UNITED STATES DISTRICT COURT**

6 EASTERN DISTRICT OF CALIFORNIA

7
8 JACK CALVIN MATEER, et al.,

9 Plaintiffs,

10 v.

11 AUDREY KING, et al.,

12 Defendants.

Case No. 1:15-cv-00440-LJO-MJS (PC)

**ORDER SEVERING CLAIMS OF
ROBERT MIX AND DIRECTING
CLERK'S OFFICE TO OPEN NEW
ACTION FOR ROBERT MIX**

(ECF No. 14)

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15 Plaintiffs Jack Mateer and Robert Mix are civil detainees proceeding pro se in
16 this civil rights action brought pursuant to 42 U.S.C. § 1983. The complaint purports to
17 proceed on behalf of both Mateer and Mix and is signed by both.

18 **I. SEVERANCE OF CLAIMS**

19 Plaintiffs' allegations do not provide a basis for a class action. Fed. R. Civ. P.
20 23(a)(4); Simon v. Hartford Life, Inc., 546 F.3d 661, 664–65 (9th Cir. 2008).

21 Courts have broad discretion regarding the permissive joinder of parties. Fed. R.
22 Civ. P. 20, 21; see Coleman v. Quaker Oats Co., 232 F.3d 1271, 1296-97 (9th Cir.
23 2000); Maddox v. County of Sacramento, No. 2:06-cv-0072-GEB-EFB, 2006 WL
24 3201078, *2 (E.D. Cal. Nov. 6, 2006). The need for co-plaintiffs to agree upon and sign
25 all filings becomes impossibly burdensome where, as here, the proposed co-plaintiffs
26 are civilly detained.

27 Accordingly, Plaintiffs Mateer and Mix shall each proceed separately on their
28 claims. Mix's claims shall be severed, and a new action shall be opened for his claims.

1 Gaffney v. Riverboat Serv. of Indiana, 451 F.3d 424, 441 (7th Cir. 2006). Mateer shall
2 proceed as the sole Plaintiff in this action. Each plaintiff shall be solely responsible for
3 prosecuting his own action.

4 **II. ORDER**

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

- 6 1. Plaintiff Mateer shall proceed as the sole plaintiff in case number 1:15-cv-
7 00440-LJO-MJS (PC);
- 8 2. The claims of Robert Mix are severed from the claims of Plaintiff Mateer;
- 9 3. The Clerk of the Court is directed to:
 - 10 a. Open a separate § 1983 civil rights action for **Robert Mix**, 1570-1,
11 Coalinga State Hospital (5003), PO Box 5003, Coalinga, CA 93210-
12 5003;
 - 13 b. Assign the new action to the Magistrate Judge and District Judge to
14 whom the instant case is assigned;
 - 15 c. File and docket a copy of this Order in the new action opened for
16 Robert Mix;
 - 17 d. Place a copy of the first amended complaint (ECF No. 14), as well
18 as Mr. Mix's application to proceed in forma pauperis (ECF No. 8)
19 and the order granting that request (ECF No.10) in the new action
20 opened for Robert Mix;
 - 21 e. Send Robert Mix a copy of this order, bearing the case number
22 assigned to his own individual action.

23 IT IS SO ORDERED.
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25 Dated: May 11, 2015

26 /s/ Michael J. Seng
27 UNITED STATES MAGISTRATE JUDGE
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