

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF CALIFORNIA

3
4 DAVID TOWNSEL,

5 Plaintiff,

6
7 v.

8 MADERA COUNTY DEPARTMENT OF
9 PROBATION and JENNIFER SWAINE,

10 Defendants.

1:15-cv-763 LJO-SAB

ORDER TO CONSOLIDATE CASES

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1:15-cv-764 AWI-GSA

ORDER TO CONSOLIDATE CASES

DAVID TOWNSEL,

Plaintiff,

v.

MADERA COUNTY BEHAVIORAL
HEALTH SERVICES and MARK
DUARTE,

Defendants.

Plaintiff, David Townsel, filed a complaint in *Townsel v. Madera County Probation, et al.*, 1:15-cv-763 LJO-SAB on May 19, 2015, and another complaint that same day in *Townsel v. Madera County Behavioral Health Services et al.* 1:15-cv-764 AWI-GSA. Both of the cases involve Plaintiff's allegations of misconduct related to a violation of probation.

Federal Rule of Civil Procedure 42 provides that “[i]f actions before the court involve a common question of law or fact, the court may . . . consolidate the actions. . . .” Fed. R. Civ. P. 42 (a)(2). “The district court has broad discretion under this rule to consolidate cases pending in the

1 same district.” *Investors Research Co. v. U.S. Dist. Court for Cent. Dist. of California*, 877 F.2d
2 777 (9th Cir. 1989). In determining whether to consolidate cases, a court should balance the
3 interest of judicial convenience against “any inconvenience, delay, or expense that it would
4 cause.” *Huene v. United States*, 743 F. 2d 703, 704 (9th Cir. 1984).

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6 These actions contain common questions of fact and law. Therefore, the Court finds that
7 consolidation will aid in judicial efficiency and that consolidation will not cause delay, confusion,
8 or prejudice.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The Clerk’s Office is directed to consolidate *Townsel v. Madera County Probation, et*
11 *al.*, No. 1:15-cv-763-LJO-SAB and *Townsel v. Madera County Behavioral Health*
12 *Services et al.*, No. 1:15-cv-764-AWI-GSA;
- 13 2. *Townsel v. Madera County Probation et al.*, No. 1:15-cv-763-LJO-SAB shall be
14 designated as the lead case; and
- 15 3. The parties are instructed to file all documents in *Townsel v. Madera County Probation*
16 *et al.*, 1:15-cv-763-LJO-SAB. Documents not filed in the lead case may not be
17 considered.

18 IT IS SO ORDERED.

19 Dated: July 2, 2015

20 /s/ Lawrence J. O’Neill
21 UNITED STATES DISTRICT JUDGE