1		
2		
3		
4		
5		
6		
7	UNITED STATES DISTRICT COURT	
8	FOR THE EASTERN DISTRICT OF CALIFORNIA	
9		
10	JEREMY JAMISON,	No. 2:10-cv-124-KJM-EFB P
11	Plaintiff,	
12	V.	ORDER AFTER HEARING ON
13	BAILLIE, et al.,	<u>DEFENDANTS' MOTION TO SEVER</u> <u>CLAIMS AND DEFENDANTS</u>
14	Defendants.	
15		
16	Plaintiff is a state prisoner proceeding through counsel in an action brought under 42	
17	U.S.C. § 1983. On March 11, 2015, this action was on calendar for hearing on defendants'	
18	motion to sever claims and defendants. Both parties appeared telephonically. Attorney Kevin	
19	Schwin appeared on behalf of plaintiff; Deputy Attorney General David Carrasco appeared on	
20	behalf of defendants. As stated on the record, IT IS HEREBY ORDERED that:	
21	1. Defendants' motion to sever claims and defendants (ECF No. 205) is granted to the	
22	extent that plaintiff's claims agai	nst defendants Garza and Rodriguez are severed
23	from this action and shall proceed	d in a new action, with the statute of limitations held
24	in abeyance. See DirecTV, Inc. v	e. Leto, 467 F.3d 842, 846 (3d Cir. 2006) (claims that
25	are severed rather than dismissed may continue in a separate suit so that they will not	
26	be time-barred). All dates in the court's April 7, 2014 scheduling order (ECF No.	
27	203) remain in effect.	
28	/////	
		1

1	2. Within seven days, plaintiff shall (a) file an amended complaint in this action omitting	
2	the severed claims, (b) commence a new civil action by filing a complaint that	
3	includes the severed claims, ¹ and (c) file a Notice of Related Cases in accordance	
4	with Local Rule 123.	
5	DATED: March 12, 2015.	
6	EDMUND F. BRENNAN	
7	UNITED STATES MAGISTRATE JUDGE	
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25 26		
26	¹ After plaintiff common cost the new action the court inter do to ache dulo a talent and	
27	¹ After plaintiff commences the new action, the court intends to schedule a telephonic status conference in that case on April 8, 2015, at 11:00 AM. The court notes that defense	
28	counsel agreed to waive service of process in the action to be commenced. 2	