

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

KEVIN HOSEA HARDIN,
Plaintiff,
v.
KAREN LATIMER, et al.,
Defendants

No. 2:10-cv-1133 KJM EFB P

KEVIN HOSEA HARDIN,
Plaintiff,
v.
REGINALD GOWAN, et al.,
Defendants.

No. 2:14-cv-1796 KJN P

Plaintiff is a state prisoner proceeding without counsel. In Case No. 2:14-cv-1796, plaintiff consented to proceed before a magistrate judge for all purposes. See 28 U.S.C. § 636(c).

The operative complaints in these actions are essentially identical, aside from the Northern District's complaint form appended to the beginning of the complaint filed in Case No. 2:14-cv-1796. (Compare id., ECF No. 5 at 5-12 with 2:10-cv-1133, ECF No. 18 at 1-9.) On March 31, 2014, Case No. 10-cv-1133 was dismissed without prejudice based on plaintiff's failure to timely

1 file a pretrial statement. Given the duplicative nature of plaintiff's allegations, it may be
2 appropriate to construe plaintiff's filing in Case No. 2:14-cv-1796 as a motion to set aside the
3 judgment in 2:10-cv-1133 under Rule 60(b) of the Federal Rules of Civil Procedure. But at a
4 minimum, these cases are related within the meaning of Local Rule 123(a). The actions involve
5 the same property, transaction or event and similar questions of fact and the same question of law.
6 Accordingly, assignment of the matters to the same judge is likely to effect a substantial saving of
7 judicial effort and is also likely to be convenient for the parties.

8 The parties should be aware that relating the cases under Local Rule 123 merely has the
9 result that the actions are assigned to the same judge; no consolidation of the actions is effected.
10 Under the regular practice of this court, related cases are generally assigned to the judge and
11 magistrate judge to whom the first filed action was assigned.

12 Therefore, IT IS HEREBY ORDERED that:

- 13 1. The action denominated as 2:14-cv-1796 KJN is reassigned to Magistrate Judge
14 Edward F. Brennan, Jr. Henceforth, the caption on documents filed in the reassigned case shall
15 be shown as No. 2:14-cv-1796 EFB P; and
16 2. The Clerk of the Court shall make appropriate adjustment in the assignment of civil
17 cases to compensate for this reassignment.

18 Dated: December 11, 2014

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KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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