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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SAMMY R. QUAIR, SR.,
Plaintiff,
v.
GERTZ, et al.,
Defendants.

Nos. 2:11-cv-2293 JAM CKD P
2:11-cv-2294 KJM KJN P
ORDER

On November 3, 2014, these actions were consolidated. (ECF No. 73.)¹ Per the October 28, 2014 order by the United States Court of Appeals for the Ninth Circuit, these actions will proceed as follows:

In Quair v. Gertz, No. 2:11-cv-2293, plaintiff will be granted thirty days to file an amended complaint.


In Quair v. Honea, No. 2:11-cv-2294, the undersigned will review plaintiff's new argument on appeal "as it relates to his access to courts and retaliation claims" (ECF No. 73 at 2) and order supplemental briefing when and if needed.

¹ Under case law interpreting Federal Rule of Civil Procedure 42(a), consolidated actions retain their separate character. See Enterprise Bank v. Saettele, 21 F.3d 233, 236 (8th Cir. 1994).

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Accordingly, IT IS HEREBY ORDERED that plaintiff shall file an amended complaint in Quair v. Gertz, No. 2:11-cv-2293 no later than thirty days from the date of this order.

Dated: November 20, 2014



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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