UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CARLTON V. MOSLEY,

Plaintiff,

v.

JEFFREY BEARD, et al.,

Defendants.

No. 2:16-cv-0486 JAM AC P

ORDER

On November 28, 2016, Plaintiff, a state prisoner proceeding pro se with a civil rights action, filed several documents which appear to have been misfiled: a request to issue summons (ECF No. 15); a motion for a preliminary injunction (ECF No. 16); an affidavit (ECF No. 17); and a "First" Amended Complaint (ECF No. 18). Plaintiff has also submitted service documents for the "First" Amended Complaint (ECF No. 18) filed November 28, 2016. See ECF No. 14. For the following reasons, these documents will be stricken.

At the outset, plaintiff already filed a First Amended Complaint as a matter of right on September 12, 2016. See ECF No. 13. The Court has yet to screen the originally filed First Amended Complaint to determine whether it states a claim for relief. Plaintiff has not been granted leave to file another amended complaint or been directed to submit service documents.

Furthermore, plaintiff appears to have misfiled the November 28, 2016 documents. The second "First" Amended Complaint (ECF No. 18) and motion for a preliminary injunction (ECF

No. 16) and the original First Amended Complaint (ECF No. 13) and motion for a preliminary injunction (ECF No. 4) concern unrelated claims against different defendants. See George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007); see also Fed. R. Civ. P. 20(a)(2) (joinder of defendants not permitted unless both commonality and same transaction requirements are satisfied). Thus, the November 28, 2016 documents should be stricken because they are unrelated to the claims and defendants in this case. The Court takes judicial notice of the fact that plaintiff has other civil rights actions pending, see 2:16-cv-00420-MCE-AC and 2:16-cv-00519-MCE-CMK. Plaintiff may either file the stricken documents in the proper case or initiate a new case under a new case number and with a new application to proceed in forma pauperis as appropriate. The court will consider the original First Amended Complaint (ECF No. 13) and motion for preliminary injunction (ECF No. 4) in due course.

For the reasons set forth above, IT IS HEREBY ORDERED that:

1. Plaintiff's request to issue summons (ECF No. 15), filed November 28, 2016, is stricken from the record;

2. Plaintiff's motion for a preliminary injunction (ECF No. 16), filed November 28, 2016, is stricken from the record;

3. Plaintiff's affidavit (ECF No. 17), filed November 28, 2016, is stricken from the record;

4. Plaintiff's First Amended Complaint (ECF No. 18), filed November 28, 2016, is stricken from the record; and

5. The clerk should disregard the Acknowledgment of Receipt of service documents (ECF No. 14).

DATED: December 1, 2016

Allison Claire

ALLISON CLAIRE
UNITED STATES MAGISTRATE JUDGE