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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

TIO DINERO SESSOMS,
Plaintiff,
v.
JOHN PATRICK KELLER, et al.,
Defendants.

No. 2:17-cv-0304 CKD P

ORDER

Before the court is plaintiff’s motion for reconsideration of the March 21, 2017 judgment dismissing this case as duplicative of an earlier-filed action, Sessoms v. Keller, No. 16-cv-1943 EFB (E.D.Cal.). See Federal Rules of Civil Procedure 59(e) & 60(b).

Plaintiff argues that, even though both actions allege constitutional violations in the investigation leading up to plaintiff’s 2001 murder conviction (since vacated), and both actions name Sacramento Detectives Keller and Woods as defendants, the instant case is not duplicative, as the prior case concerns a Miranda violation and the instant case challenges plaintiff’s arrest warrant. (ECF No. 7.) As plaintiff’s argument has merit, the undersigned will grant the motion for reconsideration.

Federal Rule of Civil Procedure 42(a) permits the court to consolidate actions involving a common question of law or fact, and consolidation is proper when it serves the purposes of judicial economy and convenience. “The district court has broad discretion under this rule to

1 consolidate cases pending in the same district.” Investors Research Co. v. United States District
2 Court for the Central District of California, 877 F.2d 777 (9th Cir. 1989). In determining whether
3 to consolidate actions, the Court weighs the interest of judicial convenience against the potential
4 for delay, confusion, and prejudice caused by consolidation. Southwest Marine, Inc., v. Triple A.
5 Mach. Shop, Inc., 720 F. Supp. 805, 807 (N.D. Cal. 1989). Here, the two actions involve
6 common questions of law and fact, and in light of the above factors, consolidation is warranted.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. Plaintiff’s motion for reconsideration (ECF No. 7) is granted;
- 9 2. The Clerk of Court is directed to vacate the order of dismissal (ECF No. 5);
- 10 3. The actions Sessoms v. Keller, No. 17-cv-0304 CKD and Sessoms v. Keller, No. 16-
11 cv-1943 EFB are consolidated;
- 12 4. The Clerk of Court shall file a copy of this order in both cases in order to notify all
13 parties of the consolidation;
- 14 5. Upon filing this order, the Clerk of Court shall administratively close Sessoms v.
15 Keller, No. 17-cv-0304 CKD; and
- 16 6. All future filings shall be in Sessoms v. Keller, No. 16-cv-1943 EFB.

17 IT IS SO ORDERED.

18 Dated: April 12, 2017

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21 CAROLYN K. DELANEY
22 UNITED STATES MAGISTRATE JUDGE

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