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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD ANTHONY EVANS,  
Plaintiff,  
v.  
CALIFORNIA DEPARTMENT OF  
CORRECTIONS & REHABILITATION,  
Defendant.

No. 2:17-cv-1890 DB P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with a civil rights action under 42 U.S.C. § 1983. Plaintiff moves to consolidate the present action with two other cases: (1) Evans v. California Department of Corrections and Rehabilitation, 2:17-cv-1888 AC; and (2) Evans v. California Department of Corrections and Rehabilitation, 2:17-cv-1891 JAM KJN. Plaintiff filed the same motion in these other cases. In both, the motion was denied. In the lead case, 2:17-cv-1888 AC, Judge Claire held:

The court notes that, of the three cases plaintiff seeks to consolidate, only the immediate one has been screened. Thus, the court cannot yet determine whether plaintiff's claims in the other two cases will involve common questions of law or fact. Indeed, the court has dismissed plaintiff's claims in this case with leave to amend and, consequently, cannot even compare them to his potential claims in the other cases. Therefore, plaintiff's request will be DENIED without prejudice as premature. Plaintiff may renew his motion to consolidate once he has filed an adequate


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complaint in this case and his other cases have been screened. If he elects to do so, he should bear the above referenced standards in mind and articulate why the convenience of consolidating his claims outweighs the potential for delay, confusion, and prejudice to the relevant defendants.

(Case No. 2:17-cv-1888 AC (ECF No. 11 at 2).) In case no. 2:17-cv-1891 JAM KJN, Judge Newman agreed with that analysis. (Case No. 2:17-cv-1891 JAM KJM (ECF No. 8 at 2-3).) The undersigned magistrate judge concurs as well. Plaintiff's motion will be denied on the same grounds.

Accordingly, IT IS HEREBY ORDERED that plaintiff's motion to consolidate cases (ECF No. 7) is denied without prejudice.

Dated: December 12, 2017

  
DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

DLB:9  
DLB1/prisoner-civil rights/evan1890.mot consolidate