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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 RICHARD ANTHONY EVANS,

12 Plaintiff,

13 v.

14 CALIFORNIA DEPARTMENT OF
15 CORRECTIONS AND
REHABILITATION,

16 Defendant.
17

No. 2:17-cv-1891 KJN P

ORDER

18 Plaintiff is a state prisoner, proceeding pro se. On September 21, 2017, plaintiff filed a
19 motion to merge the instant case with his other two cases: (1) Evans v. California Department of
20 Corrections and Rehabilitation, 2:17-cv-1888 AC; and (2) Evans v. California Department of
21 Corrections & Rehabilitation, 2:17-cv-1890 DB. However, on September 26, 2017, plaintiff's
22 motion to consolidate these three cases, filed in plaintiff's lead case, 2:17-cv-1888 AC, was
23 denied:

24 The court notes that, of the three cases plaintiff seeks to
25 consolidate, only the immediate one has been screened. Thus, the
26 court cannot yet determine whether plaintiff's claims in the other
27 two cases will involve common questions of law or fact. Indeed, the
28 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

1 renew his motion to consolidate once he has filed an adequate
2 complaint in this case and his other cases have been screened. If he
3 elects to do so, he should bear the above referenced standards in
4 mind and articulate why the convenience of consolidating his
claims outweighs the potential for delay, confusion, and prejudice
to the relevant defendants.

5 Id. (ECF No. 11.) The undersigned agrees with Judge Claire's reasoning and denies plaintiff's
6 motion on the same grounds.


7 To the extent plaintiff intends to raise all of his claims in one amended complaint, plaintiff
8 is reminded that he may only join multiple claims if they are all against a single defendant. Fed.
9 R. Civ. P. 18(a). If plaintiff has more than one claim based upon separate transactions or
10 occurrences, the claims must be set forth in separate paragraphs. Fed. R. Civ. P. 10(b). Unrelated
11 claims against different defendants must be pursued in multiple lawsuits.

12 The controlling principle appears in Fed. R. Civ. P. 18(a): 'A party
13 asserting a claim . . . may join, [] as independent or as alternate
14 claims, as many claims . . . as the party has against an opposing
15 party.' Thus multiple claims against a single party are fine, but
16 Claim A against Defendant 1 should not be joined with unrelated
17 Claim B against Defendant 2. Unrelated claims against different
18 defendants belong in different suits, not only to prevent the sort of
morass [a multiple claim, multiple defendant] suit produce[s], but
also to ensure that prisoners pay the required filing fees-for the
Prison Litigation Reform Act limits to 3 the number of frivolous
suits or appeals that any prisoner may file without prepayment of
the required fees. 28 U.S.C. § 1915(g).

19 George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007); see also Fed. R. Civ. P. 20(a)(2) (joinder of
20 defendants not permitted unless both commonality and same transaction requirements are
21 satisfied).

22 Accordingly, IT IS HEREBY ORDERED that plaintiff's request to merge cases (ECF No.
23 7) is denied without prejudice.

24 Dated: October 16, 2017

25 
26 KENDALL J. NEWMAN
27 UNITED STATES MAGISTRATE JUDGE
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