1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF CALIFORNIA 10 11 CITY OF SACRAMENTO, No. 2:18-cv-0333 MCE GGH 12 Plaintiff. **ORDER** 13 v. 14 DANIEL JAMES ALTSTATT. 15 Defendant. 16 17 *Introduction and Summary* 18 Presently pending on the undersigned's calendar are plaintiff's Motion to Consolidate, 19 ECF No. 7 and Defendant's Motion to Remand, ECF No.3. This written order is issued to finally 20 clarify the various minute orders that have been issued in this case, and to resolve the motions. 21 As the Motion to Consolidate discloses, there are two other cases involving this plaintiff 22 and the City of Sacramento involving a property dispute seemingly involving the same property. 23 The other cases are 2:17-cv-2029 JAM DB and 2:18-cv-0150 JAM AC. Motions to Consolidate 24 have been filed in these cases as well. 25 A motion to consolidate is properly brought only in the lowest numbered case for two 26 reasons. First, such a motion to consolidate in a later filed case invites judicial forum shopping. 27 Second, for the first reason, a judge in a higher numbered case, if ruling on the motion to 28 consolidate, would normally be ordering a shedding of his/her case to the lowest numbered judge 1

without input from that judge. Therefore, it makes sense that the judge in the lowest numbered case make the consolidation decision in the first instance. Accordingly, the Motion to Consolidate in this case, ECF No. 7 is denied without prejudice to its resolution before the lowest numbered judge. The Motion to Remand in this removed case, ECF No. 3, is vacated from calendar pending a resolution of the consolidation motions. If the decision of the judge in the lowest numbered case is not to consolidate these actions, the undersigned will expeditiously place the matter back on calendar and rule on the motion to remand. The City of Sacramento shall file a notice of ruling on the motion to consolidate in the lowest numbered case in this case when that occurs. IT IS SO ORDERED. Dated: April 26, 2018 /s/ Gregory G. Hollows UNITED STATES MAGISTRATE JUDGE