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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RON STEPHEN REDHEAD,

No. C16-03123 CRB

Plaintiff,

**ORDER OF SUA SPONTE
REFERRAL AS TO WHETHER
CASES ARE RELATED**

v.

TIM GIANGIOBBE,

Defendant.

Northern District of California Civil Local Rule 3-12(c) provides: “Whenever a Judge believes that a case pending before that Judge is related to another case, the Judge may refer the case to the Judge assigned to the earliest-filed case with a request that the Judge assigned to the earliest-filed case consider whether the cases are related.”

In the course of reviewing Plaintiff Ron Stephen Redhead’s Application to Proceed In Forma Pauperis, the Complaint, and the attached Civil Cover sheet, it came to the Court’s attention that this action might be related to an earlier-filed case, Ron Stephen Redhead v. Mercy Housing, et. al., No. 16-cv-941-YGR. The earlier case was brought by the same Plaintiff as in this case, against the same Defendant, Tim Giangioffe. Compare Compl. (dkt. 1) and Compl. (dkt. 1) in Case No. 16-cv-941-YGR.¹ The earlier case involved a dispute

¹ Indeed, although the docket for the present case lists only Giangioffe as a defendant, the Civil Cover sheet attached to the Complaint also lists Karen Zhou of Mercy Housing as a defendant. See Compl. The Complaint in Case No. 16-cv-941-YGR also lists “Mercy Housing c/o Karen Zhou” as a defendant. See Compl. in Case No. 16-cv-941-YGR.

1 between Redhead and his neighbor, Defendant Tim Giangioffe, at the Madonna Residence
2 at 350 Golden Gate Ave. in San Francisco, in which “Redhead alleges that Giangioffe left
3 ‘racist letters and notes’ on his door, and a confrontation (or confrontations) ensued between
4 them.” See Order Granting Motion to Dismiss Without Leave to Amend (dkt. 27) in Case
5 No. 16-cv-941-YGR. This case appears to involve the same dispute. See Compl. at 1–2
6 (“complainant that resides at the Madonna Residence 350 Golden Gate Avenue Tim
7 Giangioffe who lives in Apartment #519 has put racist and insulting letters on my apartment
8 door #508 and on the walls directing outside my apartment door. . . . Karen Zhou has
9 conspired with Tim Giangioffe to have me locked up three times . . .”).

10 Judge Gonzalez Rogers dismissed the earlier case without leave to amend. See Order
11 Granting Motion to Dismiss Without Leave to Amend in Case No. 16-cv-941-YGR. Two
12 days later, Plaintiff filed this case. See generally Compl. (present case filed June 8, 2016);
13 Order Granting Motion to Dismiss Without Leave to Amend in Case No. 16-cv-941-YGR
14 (dismissing case on June 6, 2016). Moreover, Plaintiff failed to file an Administrative
15 Motion to Consider Whether Cases Should be Related, as required under the local rules. See
16 Civil L.R. 3-12; see also Civil Local Rule 3-3(c) (“If any civil action or claim of a civil
17 action is dismissed and is subsequently refiled, the refiling party must file a Motion to
18 Consider Whether Cases Should be Related pursuant to Civil L.R. 3-12.”).

19 Accordingly, pursuant to Rule 3-12(c), the Court REFERS this action to the
20 Honorable Yvonne Gonzalez Rogers for a determination of whether this action is related to
21 Ron Stephen Redhead v. Mercy Housing, et. al., No. 16-cv-941-YGR.

22 **IT IS SO ORDERED.**

23
24 Dated: June 13, 2016



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE