

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
San Francisco Division

TIMOTHY V. LONG and TRAJHAN A.  
LONG,  
  
Plaintiffs,  
  
v.  
  
CITY OF PITTSBURG, MICHAEL  
CRAIGHTON, and JONATHAN ELMORE,  
  
Defendants.

Case No. 18-cv-03694-LB

**REFERRAL TO DETERMINE  
WHETHER CASES ARE RELATED**

On June 20, 2018, plaintiff Timothy V. Long filed a complaint, an application to proceed in forma pauperis (“IFP”), and, simultaneously, a motion to reopen under Federal Rule of Civil Procedure 60 in a case titled Bengard v. City of Pittsburg, No. 4:17-cv-02730-KAW.<sup>1</sup> (Mr. Long captioned the motion with the case number from the Bengard case but crossed it out and initialed it; the clerk’s office thus filed the motion in this action.) In the motion, which Mr. Long purports to bring on his son Trajhan’s behalf, Mr. Long challenges the settlement (and minor’s compromise) in the Bengard case on the ground that he — and not the guardian ad litem there

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<sup>1</sup> Compl. – ECF No. 1 at 1; Application – ECF No. 2; Motion – ECF No. 4. Citations refer to material in the Electronic Case File (“ECF”); pinpoint citations are to the ECF-generated page numbers at the top of documents.

1 (Latricia Bengard) — is Trajhan’s legal guardian.<sup>2</sup> In his complaint in this case, Mr. Long does not  
2 specify facts but liberally construed, he asks for “fair compensation” for the events at issue in the  
3 Bengard case.<sup>3</sup>

4 The court previously ordered Mr. Long to file an amended IFP application or pay the \$400  
5 filing fee because — although he said he was unemployed — he listed monthly gross income of  
6 \$8,000 from food stamps and welfare.<sup>4</sup> Mr. Long did not respond to the court’s orders.<sup>5</sup>

7 The court has now read Mr. Long’s filings closely and refers the case to United States  
8 Magistrate Judge Kandis A. Westmore to consider whether the case is related to case number No.  
9 4:17-cv-02730-KAW.

10 **IT IS SO ORDERED.**  
11 Dated: September 24, 2018

  
\_\_\_\_\_  
LAUREL BEELER  
United States Magistrate Judge

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25 <sup>2</sup> Motion – ECF No. 4 at 2–3.

26 <sup>3</sup> Compl. – ECF No. 1 at 2.

27 <sup>4</sup> Application – ECF No. 2 at 2; Orders – ECF Nos. 5, 10, and 16. In the application to proceed IFP,  
28 Mr. Long also listed (apparently) prior employment at Rent-a-Center with monthly gross income of  
\$1,200. Application – ECF No. 2 at 2.

<sup>5</sup> See Docket.