

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**United States District Court**  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Michael Cook,

NO. C 09-00482 JW

Plaintiff,

**ORDER REFERRING CASE TO JUDGE  
SEEBORG FOR CONSIDERATION OF  
WHETHER CASES ARE RELATED**

v.

Curtis Batts,

Defendant.

Presently before the Court is Defendant’s Administrative Motion to Transfer.<sup>1</sup> Defendant seeks to have this matter transferred to Magistrate Judge Seeborg on the ground that it is related to the following cases previously pending before Judge Seeborg: C 06 01965 RS, C 06 05959 RS, C 07 06068 RS, C 07 6232 RS, C 07-5085 RS, and C 08 03626 RS.

Civil Local Rule 3-12(a) provides that an action is related to another when:

- (1) The actions concern substantially the same parties, property, transaction or event; and
- (2) It appears that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different judges.

Here, Defendant provides the declaration of his attorney stating that Plaintiff’s cause of action concerns the same allegations that Plaintiff is entitled to Social Security Administration benefit checks that have been returned as undeliverable and uncashed. (See Declaration of James A.

<sup>1</sup> (Notice of Related Cases; Administrative Motion to Transfer Case to Magistrate Judge Seeborg, hereafter, “Motion to Relate,” Docket Item No. 5, 6.)

1 Scharf, Docket item No. 8.) Defendant intends to raise the same defense he has previously raised in  
2 the cases assigned to Judge Seeborg. (Motion to Relate at 2.) Further, Defendant represents that  
3 Judge Seeborg is familiar with the issues that will be raised in this matter, and has previously  
4 ordered Plaintiff to cease filing new complaints concerning the allegations made in the present case.  
5 (Motion to Relate at 2.)

6 Accordingly, pursuant to Civil Local Rule 3-12(c), the Court refers this matter to Magistrate  
7 Judge Seeborg to determine whether it is related to Cook v. Social Security Administration, C 06  
8 01965 RS.<sup>2</sup>

9  
10 Dated: February 20, 2009

  
\_\_\_\_\_  
JAMES WARE  
United States District Judge

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27 \_\_\_\_\_  
28 <sup>2</sup> Defendant has consented to proceed before Judge Seeborg. (See Docket Item No. 7.)

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 James A. Scharf james.scharf@usdoj.gov  
3 Joann M. Swanson joann.swanson@usdoj.gov

4 Michael Charles Cook  
5 T-79529  
6 Kern Valley State Prison  
7 P. O. Box 6000  
8 Delano, Ca 93216-6000

9  
10 **Dated: February 20, 2009**

**Richard W. Wieking, Clerk**

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
By:           /s/ JW Chambers            
**Elizabeth Garcia**  
**Courtroom Deputy**