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v.

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

Curtis Brady, Jr.,

Plaintiff

James Dzurenda, et al.,

Defendants

Case No. 2:17-cv-02534-JAD-CWH

Order Denying Motion to Consolidate

[ECF No. 15]

7 Pro se plaintiff Curtis Brady, Jr. is an inmate in the custody of the Nevada Department of 8 Corrections. He brings this civil-rights action seeking redress for events that he claims occurred 9 while he was incarcerated at the High Desert State Prison (HDSP).¹ His complaint has been 10 screened, and he is proceeding on claims for First Amendment retaliation and Eighth 11 Amendment excessive force and deliberate indifference.² 12 Brady moves to consolidate his case with another action pending before me: his cell mate 13 Ernest Jord Guardado's First Amendment retaliation suit for events he claims occurred at the 14 15 HDSP. Guardado has filed a similar request for consolidation, which Magistrate Judge Ferenbach recommends I deny.³ Rule 42(a) of the Federal Rules of Civil Procedure gives the 16 court wide discretion to consolidate or join common-question actions when combining them will 17 18 result in a savings of time and effort rather than inconvenience, delay, confusion, or prejudice.⁴ Brady has not demonstrated that consolidation is appropriate here. Although Brady and 19 Guardado's cases present some common questions of law and fact, they are not identical (as 20 21 ¹ ECF No. 1-1. 22 ² ECF No. 5. 23 ³ See ECF Nos. 33 (motion), 51 (R&R) in 2:17-cv-1072-JAD-VCF.

⁴ Huene v. United States, 743 F.2d 703, 704 (9th Cir.), on reh'g, 753 F.2d 1081 (9th Cir. 1984).

1	Brady suggests), and the screening orders in the two cases have created an even greater divide
2	between them, leaving the cases with different theories, claims, and defendants. ⁵ These
3	differences will require Brady and Guardado to present different evidence to prove their claims.
4	Accordingly, I do not find that consolidation or joinder would be economical in this case.
5	IT IS THEREFORE ORDERED that Brady's Motion to Consolidate [ECF No. 15] is
6	DENIED. However, because judicial economy would be served by having both cases heard by
7	the same magistrate and district judge, IT IS FURTHER ORDERED that the Clerk of Court is
8	directed to reassign this case to Magistrate Judge Ferenbach, who is presiding over
9	Guardardo's earlier-filed case (2:17-cv-1072-JAD-VCF).
10	Dated: April 3, 2019
11	U.S. District Judge Jennifer A. Dorsey
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23	⁵ See ECF No. 51 in 2:17-cv-1072-JAD-VCF (incorporated herein and describing the material differences in greater detail).
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