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4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT TACOMA

7 LENIER AYERS,

8 Plaintiff,

9 v.

10 HENRY RICHARDS, *et al.*,

11 Defendants.

No. C08-5390 BHS/KLS

ORDER DENYING MOTION TO
CONSOLIDATE

12 Before the court is Plaintiff's motion to consolidate this matter with Cause No. C08-5541
13 RJB/KLS and to amend his complaint. Dkt. 192. Having reviewed the motion, Defendants'
14 opposition (Dkt. 195), and balance of the record, the court finds that the motion should be
15 denied.

16 Under Federal Rules of Civil Procedure 42(a), a court may consolidate two actions
17 involving common questions of law or fact. This court has broad discretion under Rule 42(a) to
18 consolidate cases pending in the same district. *U.S. v. Lindsey*, 877 F.2d 777 (9th Cir. 1989).
19 Mr. Ayers raises several claims in No. C08-5541 involving common questions of law or fact that
20 are raised in his complaint in this case. However, the court construes Plaintiff's request to
21 consolidate as a response to the court's previous order requiring him to pay sanctions before
22 allowing this case to proceed. That issue was resolved by Judge Settle's Order dated April 23,
23 2010, directing that the case be heard on the merits. Dkt. 201.
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25 In addition, this case has been pending for almost two years, the time for discovery is
26 long past, the dispositive motions deadline expired in November 2009, and Defendants' motion

ORDER - 1

1 for summary judgment is pending. Dkt. 175. In Case No. C08-5541RJB/KLS, the court has
2 already issued its report and recommendation on Defendants' motion for summary judgment.
3 Dkt. 81. A decision by the District Judge is pending.

4 The court need not consolidate these cases to resolve the issues. Rather, it may rule on
5 the issues raised in each case and can dismiss as duplicative any issues raised here that have
6 already been considered in C08-5541RJB.

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8 Accordingly, it is **ORDERED:**

- 9 (1) Plaintiff's motion to consolidate (Dkt. 192) is **DENIED**.
10 (2) The Clerk shall send copies of this Order to Plaintiff and counsel for Defendants.
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12 DATED this 26th day of May, 2010.

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14 Karen L. Strombom
15 United States Magistrate Judge
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