

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Allan Fletcher v. Stephanie Clendenin, et al.

Fletcher · No. 1:22-cv-01150-EPG (PC) · Decided March 16, 2023

SUMMARY

The United States District Court for the Eastern District of California denied Allan Fletcher’s motion to consolidate his civil-rights action with a related action filed by Patrick Neill. The court found substantial similarities between the cases but denied consolidation without prejudice because the pro se detainee plaintiffs could create procedural complications and the defendants had not yet appeared.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	March 16, 2023
DOCKET	1:22-cv-01150-EPG (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to consolidate this civil-rights action with another action pending in the Eastern District of California. The district court denied the motion without prejudice.
STANDARD OF REVIEW	Abuse of discretion; consolidation under Federal Rule of Civil Procedure 42(a) is committed to the district court's broad discretion.
PRECEDENTIAL VALUE	Unpublished district-court order; limited precedential value.
PARTIES	Allan Fletcher v. Stephanie Clendenin, et al.

TOPICS

- joinder
- civil procedure
- section 1983
- civil rights

PRACTICE AREAS

- civil procedure
- civil rights
- prisoner and civil detainee rights

QUESTIONS PRESENTED

1. Whether the two actions should be consolidated under Federal Rule of Civil Procedure 42(a) because they involved common questions of law or fact.
2. Whether consolidation should be denied at the current procedural stage because consolidating actions involving multiple detained pro se plaintiffs could cause delay and confusion and the defendants had not yet appeared.

HOLDINGS

1. The court denied the motion to consolidate without prejudice, leaving open the possibility that a party could renew the motion at a later stage.

KEY QUOTATIONS

“The decision of whether to consolidate cases under Rule 42 is within the broad discretion of the Court.” (at 1)

“In determining whether to consolidate actions, the Court “weighs the interest of judicial convenience against the potential for delay, confusion and prejudice caused by consolidation.”” (at 1)

FACTUAL BACKGROUND

Fletcher, a civil detainee proceeding pro se and in forma pauperis, alleged that defendants opened his clearly marked legal mail outside his presence under allegedly unlawful rules and regulations. He identified a related action by another civil detainee involving the same defendants, policy, regulations, and alleged conduct. Although the actions presented strong factual and legal similarities, the defendants had not appeared in either case.

PROCEDURAL HISTORY

Allan Fletcher filed a pro se, in forma pauperis civil-rights action under 42 U.S.C. § 1983 concerning the opening of legal mail. He moved to consolidate the action with Neill v. Department of State Hospitals, E.D. Cal. Case No. 1:22-cv-01010. The court granted judicial notice of the related case for purposes of deciding consolidation, but denied consolidation without prejudice because the cases involved detained pro se plaintiffs and the defendants had not yet appeared.

DISPOSITION

other

CASES CITED

- Neill v. Department of State Hospitals, E.D. Cal., Case No. 1:22-cv-01010
- Pierce v. County of Orange, 526 F.3d 1190, 1203 (9th Cir. 2008)
- Sw. Marine, Inc. v. Triple A Mach. Shop, Inc., 720 F. Supp. 805, 807 (N.D. Cal. 1989)

