

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Cone v. Gamble, et al.

Cone · No. 1:24-cv-00799-KES-BAM (PC) · Decided June 4, 2025

SUMMARY

The United States District Court for the Eastern District of California severs Plaintiff Chris Monroe Cone’s excessive-force claim against Defendant Lopez from the action involving Defendant Gamble III because the claims arise from separate incidents at different institutions and are not properly joined. The Court directs the Clerk to open a separate action for the Lopez claim and orders Plaintiff to pay the filing fee or seek in forma pauperis status within 30 days.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Barbara A. McAuliffe
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 4, 2025
DOCKET	1:24-cv-00799-KES-BAM (PC)
DISPOSITION	other
PROCEDURAL POSTURE	A prisoner proceeding pro se under 42 U.S.C. § 1983 asserted separate excessive-force claims against Gamble III and Lopez arising from incidents at different prisons. After screening and partial adoption of findings and recommendations, the court addressed joinder and severed the claim against Lopez under Federal Rule of Civil Procedure 21.
PRECEDENTIAL VALUE	unpublished and nonprecedential district court order
PARTIES	Chris Monroe Cone v. Gamble III, Lopez

TOPICS

- joinder
- civil procedure
- police misconduct
- civil rights
- cruel and unusual punishment

PRACTICE AREAS

- civil procedure
- prisoner civil rights
- constitutional law

QUESTIONS PRESENTED

1. Whether Cone's excessive-force claims against Gamble III and Lopez arose from the same transaction or occurrence, or a series of related transactions or occurrences, so that the defendants were properly joined under Federal Rule of Civil Procedure 20(a)(2).
2. Whether the claims could proceed together under Rule 18(a), and if not, whether the Lopez claim should be severed under Rule 21.

HOLDINGS

1. Claims against different defendants may be joined only when they arise out of the same transaction or occurrence, or a series of transactions or occurrences, and present common questions of law or fact. The two excessive-force claims, arising from separate incidents four months apart at different prisons, did not satisfy that requirement.
2. Rule 18(a) permits multiple claims against the same party only after the defendants are properly joined under Rule 20(a); unrelated claims against different defendants may not be maintained in a single action merely because they involve the same type of constitutional violation.
3. The claim against Lopez was properly severed under Federal Rule of Civil Procedure 21 and ordered to proceed in a separately opened action.

KEY QUOTATIONS

“The fact that all of Plaintiff’s allegations are based on the same type of constitutional violation (i.e. excessive force) does not necessarily make the claims related for purposes of Rule 18(a).” (at 3)

“Claims are related where they are based on the same precipitating event, or a series of related events caused by the same precipitating event.” (at 3)

FACTUAL BACKGROUND

Cone alleged that Gamble III punched him in the face and body-slammed him while he was handcuffed at Valley State Prison on April 29, 2024. He separately alleged that Lopez used excessive force against him at Corcoran State Prison on August 28, 2024. Cone argued that the claims were related because both involved alleged excessive force under color of law and because the first incident allegedly led to his placement at a higher-security yard where the second incident occurred.

PROCEDURAL HISTORY

The court previously screened Cone's second amended complaint and found a cognizable Eighth Amendment excessive-force claim against Gamble III based on an April 29, 2024 incident. The district judge later found that Cone had exhausted administrative remedies as to a separate claim against Lopez arising from an August 28, 2024 incident and allowed both claims to proceed, while dismissing the remaining claims and defendants. The magistrate judge then determined that the two claims were misjoined, retained the Gamble III claim in the original action, and directed the clerk to open a separate action for the Lopez claim.

DISPOSITION

other

CASES CITED

- Owens v. Hinsley, 635 F.3d 950, 952 (7th Cir. 2011)
- George v. Smith, 507 F.3d 605, 607 (7th Cir. 2007)
- Coughlin v. Rogers, 130 F.3d 1348, 1349, 1351 (9th Cir. 1997)

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