

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Wilson v. Merritt

Wilson v. Merritt · No. 1:22-cv-0455 JLT CDB (PC) · Decided March 6, 2025

OPINION

(PC) Wilson v. Merritt

PER CURIAM.

1 2 3 4 5 6 7

8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA

10 11 DAVID WAYNE WILSON, Case No.: 1:22-cv-0455 JLT CDB (PC) 12 Plaintiff, ORDER
ADOPTING FINDINGS AND

RECOMMENDATIONS AND DENYING

13 v. PLAINTIFF’S MOTION FOR JOINDER AND

PRELIMINARY INJUNCTION

14 LURA MERRITT, et al., (Docs. 73, 79) 15 Defendants. 16 17 David Wayne Wilson seeks to
hold the defendants liable for violations of his civil rights 18 while in housed at the California
Substance Abuse Treatment Facility. (See Docs. 32, 35.) The 19 action proceeds on the following
claims: (1) Eighth Amendment deliberate indifference to serious 20 medical needs against
Defendants Fishburn, Merritt and Carlson; (2) First Amendment retaliation 21 against Merritt; (3)
Fourteenth Amendment equal protection clause against Carlson; and (4) state 22 law equal
protection clause against Carlson. (Doc. 35 at 2.) Plaintiff now seeks to join several 23 employees
at SATF as defendants, including correctional counselors Alvarez and Tienken, 24 Captain
Guzman, and SATF Warden Morales. (Doc. 73 at 3.) Further, Plaintiff requests 25 injunctive
relief, directing that he be housed in a single-cell unit and transferred to a different 26 facility. (Id.
at 4.) 27 The magistrate judge found “joinder is not required pursuant to Rule 19 because the
Court can accord complete relief among the existing parties.” (Doc. 79 at 4.) The magistrate judge
1 found permissive joinder was not appropriate because “the purported new claim or claims
against 2 Alvarez, Guzman, Morales, and Tienken do not arise out of the same transaction,
occurrence, or 3 series of transactions as those involving Defendants Carlson, Correa, and
Merritt.” (Id. at 5.) In 4 addition, the magistrate judge found there were not “common questions of
law or fact common to 5 all,” because “[t]he denial of single cell status by the SATF Warden, a
captain and two 6 correctional counselors are different claims than those presented against the
existing defendants 7 involving deliberate indifference, retaliation, and violations of the equal
protection clause.” (Id.) 8 Finally, the magistrate judge opined the “joinder of Plaintiff’s claims

against Alvarez, Guzman, 9 Morales, and Tienken would circumvent the limitations imposed by the PLRA.” (Id., citing 10 *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007).) Consequently, the magistrate judge 11 recommended the Court deny the motion to join defendants. (Id. at 4, 9.) 12 Turning to Plaintiff’s request for injunctive relief, the magistrate judge found the Court 13 lacks jurisdiction over nonparties—including Alvarez, Guzman, Morales, and Tienken—and 14 should not grant injunctive relief. (Doc. 79 at 6.) The magistrate judge determined that Plaintiff 15 was “unlikely to succeed on the merits” of the new proposed claims, because “[i]t is well settled 16 that prisoners have no constitutional right to placement in any particular prison, to any particular 17 security classification, or to any particular housing assignment.” (Id. at 6-7.) In addition, the 18 magistrate judge found Plaintiff did not allege “real and immediate threat of injury” from not 19 being housed in a single cell. (Id. at 8.) Further, the magistrate judge observed that Plaintiff’s 20 motion also sought to enjoin future prison officials related to his housing, and the relief requested 21 was “not narrowly drawn.” (Id.) Therefore, the magistrate judge found Plaintiff failed to satisfy 22 the factors identified by the Supreme Court in *Winter v. Nat. Res. Def. Council Inc.*, 55 U.S. 7, 24 23 (2008) and recommended the Court deny Plaintiff’s request for injunctive relief. (Id. at 9.) 24 Plaintiff filed objections to the Findings and Recommendations, asserting that joinder 25 should be permitted under Rule 20(a)(1) of the Federal Rules of Civil Procedure, observing that 26 the Rule provides: “All persons may be joined in one action as plaintiffs if they assert any right to 27 relief jointly, severly (sic), or in the alternative in respect of or acting out of the same transaction 1 the action.” (Doc. 80 at 1.) He also maintains his proposed claims “do rise out of the same 2 transactions or occurrences (sic).” (Id. at 2.) In support of this assertion, Plaintiff provides a 3 “nexus of factual evidence,” to including evidence related to the denials of his requests for single 4 cell housing. (Id. at 2, 9-8.) He also contends Alvarez, Tinken, and Guzman are engaged in a 5 conspiracy to deny his civil rights, and they had “no right denying Single Cell.” (Id. at 3-4.) 6 Plaintiff also submits exhibits to support his objections, including: Grievance #649803 dated 7 November 5, 2024, (id. at 6-7); the decision dated December 12, 2024 (id. at 8-9); appeal dated 8 January 5, 2025 (id. at 10-11); health care requests made in November 2024 (id. at 13-14); and a 9 memorandum dated January 19, 2016 concerning “inmate housing assignment considerations 10 during the screening and housing process” (id. at 14-16). 11 As an initial matter, Plaintiff does not dispute the finding of the magistrate judge that 12 joinder was not mandatory under Rule 19 of the Federal Rules of Civil Procedure. In addition, 13 Plaintiff’s reliance upon Rule 20(a)(1) of the Federal Rules of Civil Procedure is misplaced, 14 because this provision of Rule 20(a) concerns the permissive joinder of other plaintiffs, not 15 defendants. See Fed. R. Civ. P. 20(a)(1); see also *Knight v. City of Sacramento Police Dep’t*, 16 2014 WL 1883962, at *2 (E.D. Cal. May 9, 2024). Rather, the permissive joinder of defendants is 17 addressed in Rule 20(a)(2), which requires claims arise out of the same transaction, occurrence, or 18 series of events for defendants to be joined; and requires a common question of law or fact to all 19 defendants. See Fed. R. Civ. P. 20(a)(2). This case proceeds on claims related to actions taken in 20 2019 and 2020, including:

deliberate indifference to serious medical need, retaliation for a 21 grievance concerning the refusal to provide medical treatment, and violations of the federal and 22 state equal protection clauses related to the refusal of treatment. (See Docs. 32, 39.) There is no 23 connection between these alleged events and the denials of Plaintiff's later requests for single-cell 24 housing by Alvarez, Guzman, Morales, and Tienken. Consequently, Plaintiff fails to show 25 permissive joinder is appropriate under Rule 20. Further, Plaintiff does not dispute the findings 26 of the magistrate judge related to the Winter factors, which do not support Plaintiff's request for 27 injunctive relief. 1 | Having carefully reviewed the matter, the Court concludes the Findings and Recommendations 2 || are supported by the record and proper analysis. Thus, the Court ORDERS:

3 1. The Findings and Recommendations issued on December 26, 2024 (Doc. 79) are 4 ADOPTED in full. 5 2. Plaintiff's motion for joinder and preliminary injunction (Doc. 73) is DENIED. 6 7 IT IS SO ORDERED. 3 Dated: _ March 6, 2025 Cerin | Tower

TED STATES DISTRICT JUDGE

9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28