

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION**

MILTON THOMAS,

**Plaintiff,**

**VS.**

TRACEY LUMPKIN, *et al.*,

**Defendants.**

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**NO. 5:16-CV-178-MTT-CHW**

**ORDER**

Plaintiff Milton Thomas has filed a *pro se* complaint seeking relief pursuant to 42 U.S.C. § 1983. In his Complaint, Plaintiff alleges he fell from his top bunk on November 17, 2014, seriously injuring his back, knee, and wrist. (Compl. 5, ECF No. 1.) Plaintiff contends Defendants failed to provide him adequate medical assistance for these injuries and also violated his constitutional rights by forcing him to sleep on a top bunk despite his age and physical and mental condition. *See, e.g., id.* at 5. Plaintiff has, however, already initiated another lawsuit making similar allegations against many of the same Defendants named in the above-captioned lawsuit. This action therefore involves the same parties and brings claims that appear to be closely related to those alleged in Plaintiff’s pending lawsuit.

Rule 42(a) of the Federal Rules of Civil Procedure authorizes this Court to consolidate actions that “involve a common question of law or fact.”<sup>1</sup> Consolidation of

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<sup>1</sup> “[T]he lack of any Rule 42(a) motion from any party in either of the two cases is no impediment to consolidation if the relevant considerations warrant same.” *Chambers v.*

Plaintiff's cases will conserve judicial resources and permit the efficient resolution of Plaintiff's claims. It is therefore **ORDERED** that this case, 5:16-CV-78-MTT-CHW, be **CONSOLIDATED** into *Thomas v. Lumpkin*, 5:15-CV-403-CAR-CHW, and that the present case, 5:16-CV-78-MTT-CHW, be **ADMINISTRATIVELY CLOSED**.

**SO ORDERED**, this 5th day of July, 2016.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT

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*Cooney*, No. 07-0373-WS-B, 2007 WL 3287364, at \*1 (S.D. Ala. Nov. 2, 2007) (citing *Devlin v. Transp. Comm. Int'l Union*, 175 F.3d 121, 130 (2d Cir. 1999) (“A district court can consolidate related cases under Federal Rule of Civil Procedure 42(a) *sua sponte*.”)).