

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
EASTERN DIVISION**

LORENZO THOMAS

PLAINTIFF

V.

NO. 2:14CV00143-JTR

CAROLYN W. COLVIN,
Acting Commissioner,
Social Security Administration

DEFENDANT

LORENZO THOMAS

PLAINTIFF

V.

NO. 2:14CV00123-JJV

CAROLYN W. COLVIN,
Acting Commissioner,
Social Security Administration

DEFENDANT

ORDER

Plaintiff, Lorenzo Thomas, has filed a Motion to Consolidate these two civil actions. He states that Case No. 2:14cv00123-JJV was initiated to seek judicial review of an Appeals Council decision denying benefits, dated October 17, 2014. The Appeals Council subsequently vacated that decision and issued a second decision denying benefits. Thomas states that Case No. 2:14cv00143-JTR is a duplicate of the earlier case, filed only for the purpose of protecting his appeal of the second Appeals Council decision. Since the administrative transcript has been filed and the parties are already into the briefing process in the first civil action, Thomas asks that the two cases be consolidated so his appeal may proceed in the first civil action. Although

time has passed, the Commissioner has indicated no objection to consolidation.

The issue in both cases is the validity of the Commissioner's decision finding Thomas not disabled. Both cases involve the same set of facts and law. Under the circumstances, consolidation is proper. *See* Fed. R. Civ. P. 42(a).

IT IS THEREFORE ORDERED THAT:

1. Thomas's Motion to Consolidate (*Doc. 5* in Case No.2:14cv00143-JTR) is **granted**.

2. Case No. 2:14cv00123-JJV and Case No. 2:14cv00143-JTR are hereby consolidated, to continue as one case under Case No. 2:12cv00123-JJV.

3. Case No. 2:12cv00123-JJV is designated as the lead case. Pleadings are to be filed in that case only.

4. The Clerk is directed to take the necessary steps to effect consolidation and make the appropriate reassignment. A copy of this Order will be filed in both cases.

DATED this 5th day of February, 2015.


UNITED STATES MAGISTRATE JUDGE