

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

JIMMY PROPEs

PLAINTIFF

V. NO. 3:11CV00049-JJV (LEAD)

MICHAEL J. ASTRUE,
Commissioner, Social
Security Administration

DEFENDANT

JIMMY PROPEs

PLAINTIFF

V. NO. 3:11CV00131-JTR

MICHAEL J. ASTRUE,
Commissioner, Social
Security Administration

DEFENDANT

ORDER

Plaintiff has filed a Motion to Consolidate these two civil actions. He states that Case No. 3:11CV00049-JJV was initiated to seek judicial review of an Appeals Council decision denying benefits, dated February 22, 2011. The Appeals Council subsequently vacated that decision and issued a second decision denying benefits. Plaintiff states that Case No. 3:11CV00131-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 parties are already into the briefing process in the first civil action, Plaintiff asks that the two cases be consolidated so his appeal may proceed in the first civil

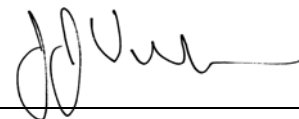
action. Although time has passed, the Commissioner has indicated no objection to consolidation.

The issue in both cases is the validity of the Commissioner's decision finding Plaintiff 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) (court may consolidate actions which involve a common question of law or fact).

IT IS THEREFORE ORDERED THAT:

1. Plaintiff's Motion to Consolidate (docket entry #6 in Case No. 3:11CV00131) is **granted**.
2. Case No. 3:11CV00049-JJV and Case No. 3:11CV00131-JTR are hereby consolidated, to continue as one case under Case No. 3:11CV00049-JJV.
3. Case No. 3:11CV00049-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 to make the necessary chip exchange. A copy of this Order will be filed in both cases.

DATED this 11th day of August, 2011.



JOE J. VOLPE
UNITED STATES MAGISTRATE JUDGE