

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

SAMMIE L. McCASTLE

PLAINTIFF

VS.

No. 4:08-CV-04222 GTE

FIRST CAPITAL MANAGEMENT GROUP

DEFENDANT

ORDER OF DISMISSAL

The Court recently learned that the Plaintiff Sammie McCastle, proceeding *pro se*, has filed three actions against Defendant First Capital Management Group (“First Capital”) arising out the same event – the termination of his employment. The first action was filed on November 17, 2008. That action is styled *McCastle v. First Capital Management Group*, Case No. 4:08-cv-4158 WRW, and is pending before the Honorable William R. Wilson. On December 22, 2008, Mr. McCastle filed this action, which also involves claims against First Capital for unlawfully terminating his employment. On December 31, 2008, Mr. McCastle filed a third action against First Capital. That case, *McCastle v. First Capital Management Group*, Case No. 4:08-cv-4247 WRW, was dismissed by Judge Wilson on December 31, 2008, as involving the same issues as Case No. 4:08-cv-4158 WRW.

Plaintiff must pursue all allegations and claims against First Capital Management Group related to the termination of his employment in the pending case before Judge Wilson, Case No. 4:08-cv-4158 WRW. If Plaintiff wishes to amend his existing claims against First Capital or to add new claims (against First Capital or others) arising out of or related to the alleged unlawful termination, the proper way to do so is to file a Motion for Leave to File an Amended Complaint

in the first filed action, Case No. 4:08-cv-4158 WRW. It is improper and a waste of judicial resources to file multiple actions against the same defendant asserting claims arising out of the same event.

IT IS HEREBY ORDERED THAT the Court's previously entered Order granting Plaintiff's Motion to Proceed *In Forma Pauperis* (Doc. No. 4) be, and it is hereby, VACATED. The Marshall's Office is directed to not to serve the complaint and summons (assuming they have not yet been served).

IT IS FURTHER ORDERED THAT Plaintiff's Motion for Leave to Proceed *in forma pauperis* (Doc. No. 1) and Motion to Appoint Counsel (Doc. No. 3) be, and they are hereby, DENIED.

IT IS FURTHER ORDERED THAT this case be, and it is hereby, DISMISSED without prejudice.

IT IS SO ORDERED this 5th day of January, 2009.

/s/Garnett Thomas Eisele
UNITED STATES DISTRICT COURT