

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

DUSTIN RAY HUCKABY, ADC#148503;
ANTHONY PAUL FLORES, ADC# 551459;
and EDWARD GONZALES, ADC# 147691 PLAINTIFFS

v. 4:10-cv-01830-SWW-JJV

BOBBY BROWN, Major, Faulkner
County Detention Center; *et al.* DEFENDANTS

Consolidating With:

ANTHONY PAUL FLORES, ADC #551459 PLAINTIFF

v. 4:10-cv-01967-BRW-JTK

BOBBY BROWN, *et al.* DEFENDANTS

ORDER CONSOLIDATING CASES

Plaintiffs, Dustin Ray Huckaby, Anthony Paul Flores, and Edward Gonzales are Arkansas Department of Correction inmates. On November 22, 2010, Plaintiffs filed a *pro se* complaint, pursuant to 42 U.S.C. § 1983, that commenced case number 4:10-cv-1830. Mr. Huckaby also filed a pending Application to Proceed Without Prepayment of Fees and Affidavit (Application) (Doc. No. 1). Eight days later, on November 30, 2010, Plaintiff Anthony Flores filed another *pro se* complaint, pursuant to 42 U.S.C. § 1983, that commenced case number 4:10-cv-01967. Mr. Flores also filed an Application to Proceed Without Prepayment of Fees and Affidavit (Doc. No. 1), which was granted on January 3, 2011 (Doc. No. 4).

Rule 42(a) of the Federal Rules of Civil Procedure provides that “if actions before the court involve a common question of law or fact,” the court may consolidate the actions. Having reviewed the allegations in the two cases, the Court finds that consolidation is appropriate. In accordance with

the practice of the Eastern District of Arkansas, the first-filed case, *Huckaby v. Brown*, 4:10-cv-1830, is designated as the lead case. All future pleadings shall be filed in the lead case.

With respect to Mr. Flores' Application, the Court's Order (Doc. No. 4) granting Plaintiff's request and directing Mr. Flores to file an Amended Complaint is hereby VACATED. The Court will reconsider Mr. Flores' application when it takes up Mr. Huckaby's Application in *Huckaby v. Brown*, 4:10-cv-1830.

IT IS, THEREFORE, ORDERED that:

1. The cases of *Huckaby v. Brown*, 4:10-cv-1830, and *Flores v. Brown*, 4:10-cv-1967, are hereby CONSOLIDATED. In accordance with the practice of the Eastern District of Arkansas, the first-filed case, *Huckaby v. Brown*, 4:10-cv-1830, is designated the lead case and all future pleadings shall be filed in the lead case; and

2. The January 3, 2011, Order in *Flores v. Brown*, 4:10-cv-1967 (Doc. No. 4), is hereby VACATED.

DATED this 16th day of February, 2011.

/s/Susan Webber Wright
UNITED STATES DISTRICT JUDGE