

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
EL DORADO DIVISION

ROY L. ANDERSON

PLAINTIFF

vs.

Civil No. 1:08-cv-1043

MICHAEL J. ASTRUE

DEFENDANT

Commissioner, Social Security Administration

**MEMORANDUM OPINION**

**BEFORE** the Court is Defendant's Motion to Consolidate Civil Action No. 08-1043 With Pending Civil Action No. 04-1077. Alternatively, Defendant requests the Court to Dismiss Plaintiff's complaint in this action. (Doc. No. 7).<sup>1</sup> The Plaintiff has not responded to this Motion. The parties have consented to the jurisdiction of a magistrate judge to conduct any and all proceedings in this case, including conducting the trial, ordering the entry of a final judgment, and conducting all post-judgment proceedings. (Doc. No. 4). The Court, having reviewed the motion, finds Defendant's Motion should be **GRANTED**, and that Plaintiff's complaint should be dismissed.

On May 29, 2008, Plaintiff filed his Complaint pursuant to 42 U.S.C. § 405(g), seeking judicial review of the of the final decision of Defendant, the Commissioner of Social Security (Commissioner). (Doc. No. 1). On July 2, 2008 this Court entered an order reopening *Anderson v. Astrue*, Civil No. 1:04-cv-01077, Doc. No. 10 (W.D. Ark. July 2, 2008). These two matters involve the same parties and involve judicial review of the same issues of law and fact. The parties have fully briefed the issues in Civil No. 1:04-cv-01077 and the matter is awaiting a decision from this Court.

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<sup>1</sup> The docket numbers for this case are referenced by the designation "Doc. No."

Based on the foregoing, and to avoid the unnecessary cost and delay of pursuing multiple suits based on the identical issues of law and fact, the undersigned finds Defendant's Motion to Consolidate Civil Action No. 08-1043 With Pending Civil Action No. 04-1077 (Doc. No. 19) should be **GRANTED**, and Plaintiff's complaint in this matter shall be dismissed without prejudice. A judgment incorporating these findings will be entered pursuant to Federal Rules of Civil Procedure 52 and 58.

**ENTERED** this **9<sup>th</sup>** day of **October, 2008**.

/s/ Barry A. Bryant  
HON. BARRY A. BRYANT  
U.S. MAGISTRATE JUDGE