

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FAYETTEVILLE DIVISION

ANGELA NAILS

PLAINTIFF

V.

CASE NO.: 5:14-CV-05239

WAL-MART STORES, INC.

DEFENDANT

ORDER

Comes on for consideration the Report and Recommendation (“R & R”) (Doc. 11) filed in this case on April 30, 2015, by the Honorable Erin L. Setser, United States Magistrate Judge for the Western District of Arkansas. The Magistrate recommends that this Complaint be dismissed as duplicative of another case, 5:14-CV-05240, involving the same causes of action and same parties.

Plaintiff Angela Nails filed a Motion for Miscellaneous Relief (Doc. 12) that the Court will construe as an objection to the R & R. In the Motion, Nails appears to object to the Magistrate’s authority to issue an R & R, as Nails cites to 28 U.S.C. § 636(b) in her objection. This statute grants authority to the district court to refer pretrial matters to the magistrate judge. Nails fails to articulate a specific objection to the R & R or to the Magistrate’s authority to make a recommendation to the Court. Accordingly, no decision on the issue is required.

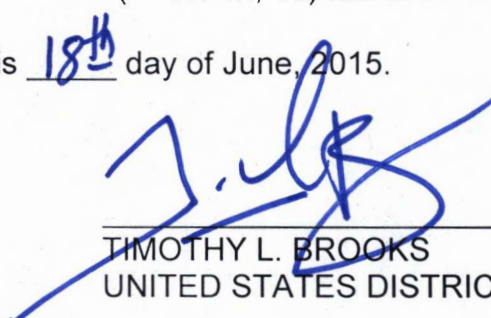
Next in her Motion, Nails makes a request—which, again, is not a substantive objection to the R & R—that “the Wal-Mart in Kansas City, Missouri be served. And the [sic] then should add them as a part of the filed civil action already having a case number.” (Doc. 12, p. 1). Nails gives no explanation as to why another entity should be added as

a party to the case or whether "Wal-Mart in Kansas City, Missouri" is, in fact, a separate corporate entity from Defendant, Wal-Mart Stores, Inc.

After reviewing the Complaint in the case at bar and the one in 5:14-CV-05240 in detail, the Court agrees with the Magistrate that the cases assert identical claims, and that the instant matter should be dismissed as duplicative. Indeed, Nails appears to agree that the two cases are, at the very least, similar, as she has filed a Motion to Consolidate the instant case with cases 5:14-CV-5240 and 5:14-CV-5238.

IT IS THEREFORE ORDERED that the R & R is proper and hereby is **ADOPTED IN ITS ENTIRETY**. Accordingly, for the reasons stated in the R & R, the Complaint is **DISMISSED** as duplicative of Case Number 5:14-CV-05240. In light of the Court's decision, all pending Motions in this case (Docs. 12, 13) are **MOOT**.

IT IS SO ORDERED on this 18th day of June, 2015.



TIMOTHY L. BROOKS
UNITED STATES DISTRICT JUDGE