

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Christine M. Arguello**

Civil Action No. 08-cv-01599-CMA-KMT
(Consolidated with 08-cv-02536-CMA-KMT; 09-cv-00662-CMA-KMT;
09-cv-00667-CMA-KMT; 09-cv-00754-CMA; and 09-cv-00961-CMA)

DANA COOPER,

Plaintiff,

v.

SGT. RHONDA BELCHER,
LT. BERNADETTE SCOTT,
SGT. DODGE, and
ASSOCIATE WARDEN CAROL SOARES,

Defendants.

ORDER

This matter is before the Court on Plaintiff's "Objection in Opposition to this Honorable Courts Order of Possible Restrictive Conditions & Enjoining Complaints" (Doc. # 110). The Court will treat the Objection as a Motion for Reconsideration, and, for the following reasons, it is DENIED.

In an Order dated May 13, 2009, ("Consolidation Order") this Court consolidated six pending matters filed by Plaintiff, 08-cv-01599-CMA-KMT, 08-cv-02536-CMA-KMT, 09-cv-00662-CMA-KMT, 09-cv-00667-CMA-KMT, 09-cv-00754-CMA, and 09-cv-00961-CMA into one lawsuit. See Doc. # 94. For purposes of judicial efficiency, the Court directed Plaintiff to file one consolidated "master" complaint containing all of his claims against all of the defendants he named in the six suits within thirty days of the

Consolidation Order, *i.e.*, by June 12, 2009. The Court also cautioned Plaintiff not to file frivolous lawsuits and warned him that any abusive or merit-less use of this Court may result in restrictions or conditions on his ability to file additional lawsuits.

On June 1, 2009, Plaintiff filed his Objection, which seemingly responds to the Consolidation Order. Plaintiff devotes much of the Objection to argument and authority regarding this Court's ability to restrict Plaintiff from filing frivolous papers and pleadings. Plaintiff also briefly objects to consolidation of case Nos. 09-cv-961-CMA and 09-cv-667-CMA-KMT. Plaintiff argues that these two cases involve separate issues and different prison personnel from his other four cases. Thus, he contends that Nos. 09-cv-961-CMA and 09-cv-667-CMA-KMT should remain independent and be tried separately. He does not object to consolidation of Nos. 08-cv-1599-CMA-KMT, 08-cv-2536-CMA-KMT, 09-cv-662-CMA-KMT and 09-cv-754-CMA.

First, the Court should point out that Plaintiff's argument regarding the Court's ability to sanction Plaintiff for abusive or vexatious litigation is premature. The Consolidation Order did not actually sanction Plaintiff or restrict his filing capabilities, that Order merely served as a warning to Plaintiff that repetitive, frivolous litigation may result in sanctions, including limitations on Plaintiff's ability to file cases or pleadings with this Court in the future. Plaintiff should consider this Order a second warning that unwarranted or vexatious behavior may result in such sanctions. However, as of right now, the Court has not placed any restrictions on Plaintiff's ability to file, although it reserves the right to do so in the future.

Second, the Court declines to reconsider its consolidation of all of Plaintiff's lawsuits, including Nos. 09-cv-961-CMA and 09-cv-667-CMA-KMT. These two lawsuits, like Plaintiff's four other suits, include allegations against personnel who work at or for the Sterling, Colorado correctional facility where Plaintiff is currently incarcerated. Moreover, the nature of Plaintiff's claims and factual allegations in Nos. 09-cv-961-CMA and 09-cv-667-CMA-KMT are similar, if not identical, to the claims and factual allegations in Plaintiff's four other lawsuits. Thus, the Court concludes that consolidation is appropriate under Federal Rule 42.

Given that Plaintiff filed the Objection within the time he was supposed to file an amended master complaint, the Court will extend the deadline it previously set for filing of the amended complaint. However, should Plaintiff fail to comply with this Order, *i.e.*, fail to file a consolidated complaint within thirty days of the date hereof, the Court may resort to sanctions, including the sanctions discussed above and in the Consolidation Order.

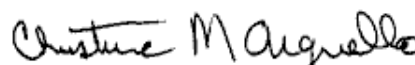
Accordingly,

Plaintiff's Objection (Doc. # 110) is DENIED.

It is FURTHER ORDERED that Plaintiff shall submit an amended complaint containing all of his factual allegations and causes of action against all properly named defendants in the above-captioned cases within thirty (30) days from the date of this Order.

DATED: June 3, 2009.

BY THE COURT:



CHRISTINE M. ARGUELLO
United States District Judge