

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-00491-BNB

ANTOINE BRUCE, and
JEREMY PINSON,

Plaintiffs,

v.

FEDERAL BUREAU OF PRISONS,
A. OSAGIE, and
C. WILSON,

Defendants.

ORDER

This matter is before the Court on Plaintiffs' Prisoner Complaint filed pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388, and 28 U.S.C. § 1331. For the reasons stated below, the claims asserted by Plaintiff Jeremy Pinson against named Defendants will be severed from this action and the Clerk of the Court will be instructed to open a new case so Mr. Pinson may proceed separately with his claims.

Although Rule 20 of the Federal Rules of Civil Procedure authorizes the joinder of parties and claims that present a common question of law or fact, Fed. R. Civ. P. 21 allows the Court on its own, at any time, and on just terms to drop a party.

Rule 20(a) applies and provides as follows:

(1) Persons may join in one action as plaintiffs if:

(A) they assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and

(B) any question of law or fact common to all plaintiffs will arise in the action.

Messrs. Pinson and Bruce currently are federal prisoners housed at the United States Penitentiary-ADX in Florence, Colorado, and claim to have been denied adequate medical treatment, but the similarities of their claims stop there. Plaintiffs are challenging the particulars of their own medical treatment. Their claims do not arise out of the same transaction or occurrence, nor can it be said that there is a common question of law or fact under these circumstances relating to their individual medical concerns. Therefore, the Court will order Plaintiffs' claims severed and a new action opened on behalf of Mr. Pinson as of the date this case was filed. Accordingly, it is

ORDERED that Mr. Pinson is dismissed from this action. It is

FURTHER ORDERED that the Clerk of the Court is instructed to use ECF Nos. 1 and 9 to open a new action on Mr. Pinson's behalf dated February 25, 2013. It is

FURTHER ORDERED that Mr. Bruce is directed to file an Amended Complaint in this action that asserts only his claims against named Defendants. It is

FURTHER ORDERED that the Court-approved prisoner complaint forms are available (with the assistance of a case manager or the facility's legal assistant), along with the applicable instructions, at www.cod.uscourts.gov for use in amending this Complaint. It is

FURTHER ORDERED that if within thirty days of the date of this Order Mr. Bruce fails to comply with this Order and file an Amended Prisoner Complaint the Court will dismiss the action without further notice.

DATED at Denver, Colorado, this 21st day of March, 2013.

BY THE COURT:

s/Lewis T. Babcock
LEWIS T. BABCOCK, Senior Judge
United States District Court