

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 13-cv-01054-CMA-BNB

LYNDA S. HICKEY,

Plaintiff,

v.

PATRICK R. DONAHOE, Postmaster General,

Defendant.

ORDER

This matter arises on the following motions filed by the plaintiff on July 26, 2013:

(1) **Motion to Compel the Court's Ruling** [Doc. #25] (the "Motion to Compel Ruling"); and

(2) **Motion to Consolidate Cases** [Doc. #26] (the "Motion to Consolidate").

The Motions are DENIED.

The plaintiff is proceeding *pro se* in this action. Therefore, I must liberally construe her pleadings. Haines v. Kerner, 404 U.S. 519, 520-21 (1972). I cannot act as advocate for a *pro se* litigant, however, who must comply with the fundamental requirements of the Federal Rules of Civil Procedure. Hall v. Bellmon, 935 F.2d 1106, 1110 (10th Cir. 1991).

The plaintiff seeks to compel the court to "rule on the Plaintiff's previously entered Motion(s) to Consolidate EEOC Findings and Appoint Attorney Per EEOC Findings submitted on 11 Jun 13." My review of the record does not reveal any such motion(s) pending. The Motion to Compel Ruling is denied.

The plaintiff also seeks to consolidate this case with an “open and active District of Columbia Federal District Court case . . . because they are both against the same Defendant and assert the identical issues” Rule 42(a), Fed. R. Civ. P., permits a district judge to order consolidation of cases pending before the court that involve a common question of law or fact. There is only one case pending before this court. Therefore, it is not possible for the court to consolidate this action with any other action. Sharp v. Wellmark, Inc., No. 10-CV-2430-SAC, 2010 WL 4291644 at *3 n.7 (D.Kan. October 16, 2010) (stating that the court was without power to consolidate cases in another jurisdiction); Williams v. City of New York, No. 03 Civ. 5342 (RWS), 2006 WL 399456 at *1 n.1 (S.D.N.Y. February 21, 2006) (denying motion to consolidate with case pending in another district because case in other district was not “pending before the court”). The Motion to Consolidate is denied.

IT IS ORDERED that the Motion to Compel the Court’s Ruling [Doc. #25] and the Motion to Consolidate Cases [Doc. #26] are DENIED.

Dated August 8, 2013.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge