

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

RANDY GERALD HELTON,

Plaintiff

vs.

REMIKA CHRISTIAN, et. al.,

Defendants

No. 5:11-CV-255 -MTT - CHW

ORDER

Plaintiff **RANDY GERALD HELTON**, a prisoner at the Calhoun State Prison in Morgan, Georgia has filed a *pro se* civil rights complaint under 42 U.S.C. § 1983. He also seeks leave to proceed without prepayment of the \$350.00 filing fee or security therefor pursuant to 28 U.S.C. § 1915(a). On July 8, 2011, this Court granted Plaintiff's Motion to Proceed *in forma pauperis* but found that Plaintiff had sufficient funds to now prepay a portion of the filing fee. The Court thus ordered Plaintiff to pay an initial partial filing fee of \$ 3.40. To date, he has failed to do so. A review of Plaintiff's Complaint, however, reveals that Plaintiff has filed a previous lawsuit involving these same facts: Helton v. Burks, 1:11-CV-77-WLS-TQL. This case is still pending.

Rule 42(a) of the Federal Rules of Civil Procedure authorizes the Court to consolidate actions that "involve a common question of law or fact." The allegations contained in the present Complaint are repeated in Plaintiff's other suit, which also alleges additional claims against Defendants named in this action. Because the allegations contained in the two complaints are clearly related, the Court finds that there is no need for the actions to proceed independently.

Accordingly, the Court hereby **ORDERS** that the instant case, 5:11-CV-255 MTT-CHW, be **CONSOLIDATED** into Helton v. Burks, 1:11-CV-77-WLS-TQL and that the

present case, 5:11-CV-255, be **ADMINISTRATIVELY CLOSED**.

SO ORDERED, this 19th day of July, 2011.

S/Marc T. Treadwell
MARC THOMAS TREADWELL, JUDGE
UNITED STATES DISTRICT COURT

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