

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

SAMSON EUGENE JAMES, :
 :
 Plaintiff :
 :
 VS. :
 :
 Sheriff WILLIAM MASSEE, et al, :
 :
 Defendants :

CIVIL NO. 5:15-CV-0035-MTT-MSH

ORDER

Plaintiff Samson Eugene James filed the present action against officers at the Baldwin County Jail under § 1983 for alleged violations of his constitutional rights. Those defendants were served and have filed responsive pleadings. In the same action, Plaintiff also attempts to bring claims against a physician and nurse at the Oconee Regional Medical Center (“ORMC”) in Milledgeville, Georgia. Those defendants have not yet been served.

I. Joinder of Plaintiff’s ORMC Claims

As to his ORMC claims, Plaintiff alleges that he was taken to ORMC on or about February 14, 2013, and upon his arrival, advised Defendant “Nurse Michelle” that he had been “gang raped.” She apparently told “Dr. Mack” and called the “Milledgeville Police.” Dr. Mack and Nurse Michelle then had the officers hold Plaintiff down while they gave him six injections. Plaintiff claims that one of these shots was insulin, that he is not diabetic, and that the medication made him extremely ill. After that, Defendants

transferred Plaintiff to “Rivers Edge Mental Hospital” for psychiatric treatment (a “1013”). Defendants did not believe Plaintiff’s allegations of rape and did not investigate or provide treatment for any injuries resulting from the sexual assault.

When viewed liberally and in Plaintiff’s favor, his allegations against Defendants Mack and Michelle may be sufficient to allow him to go forward with § 1983 claims against these defendants. A § 1983 plaintiff, however, may join only related claims in a single complaint. Claims are related if they arise “out of the same transaction, occurrence, or series of transactions or occurrences” *and* share common issues of law or fact. *See* Fed. R. Civ. P. 20. “[A] claim arises out of the same transaction or occurrence if there is a logical relationship between the claims.” *Construction Aggregates, Ltd. v. Forest Commodities Corp.*, 147 F.3d 1334, 1337 n.6 (11th Cir. 1998).

Plaintiff’s allegations fail to show any “logical relationship” between the claims arising out of his treatment at ORMC and those relating to the conditions of his confinement at Baldwin County Jail. For this reason - and because the statute of limitations would likely bar the refile of Plaintiff’s claims against Defendants Mack and Michelle - it is **ORDERED** that Plaintiff’s ORMC claims be **SEVERED** from the other claims in this action. *See* Fed. R. Civ. P. 21 (allowing severance of claims against improperly joined parties). Severance under Rule 21 results in separate and independent actions with separate final judgments. *See* 7 Wright and Miller, Fed. Prac. & Proc. Civ. § 1689 (3d ed. 2004). Plaintiff will therefore be required to prosecute these cases separately and must either pay the filing fee or move to proceed *in forma pauperis* in the severed case.

Because Plaintiff has amended and supplemented his original pleading multiple times in this case, it is also **ORDERED** that Plaintiff now **RECAST** his claims against Dr. Mack and Nurse Michelle on a separate standard § 1983 complaint form. The **CLERK** shall provide Plaintiff with a copy of the necessary forms after marking them with the new case number. Once filed, Plaintiff's recast complaint shall take the place of and supersede all allegations and claims made against Defendants Mack and Michelle in the present case.

II. Time for Response

Plaintiff shall have **TWENTY-ONE (21) DAYS** from the date of this Order to (1) submit his recast complaint and (2) pay the filing fee or submit a motion to proceed *in forma pauperis* in the severed action. Once Plaintiff has recast his claims and satisfied the fee requirement, the Court will conduct a preliminary review of his claims against Defendants Mack and Michelle. *See* 28 U.S.C. § 1915A(a).

SO ORDERED, this 22nd day of December, 2015.

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