

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

RECKO ELLIS,	:	
	:	
	:	
Plaintiff	:	
	:	
VS.	:	
	:	
Lt. BELL,	:	NO. 7:07-CV-81 (HL)
	:	
Defendant	:	

Plaintiff **RECKO ELLIS**, a former inmate at the Lowndes County Jail in Valdosta, Georgia, has filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. In his complaint, plaintiff alleges the following:

On the dates listed in D. Peete[,], Officer Lt. Bell of the Valdosta Police Department while acting under the colors (sic) of the state laws did while knowing placed the plaintiff inside a cell with an inmate that had active TB which the plaintiff did test positive for this at the Brevard Detention Center of (sic) this year. The plaintiff has suffered mentally and physically in this altercation.

When plaintiff states “[o]n the dates listed in D. Peete[,]” he is referring to the dates shown in a civil action he filed in this Court on December 27, 2006: *Ellis v. Peete*, 7:06-CV-127 (HL). In this action, plaintiff complained that on December 19, 2006, Dwight Peete placed him in a cell with an inmate who had active tuberculosis. This claim against Dwight Peete is currently pending before this Court.¹

¹There are other claims pending in *Ellis v. Peete*, 7:06-CV-127 (HL). Specifically, claims regarding unsanitary cells and possible exposure to hepatitis are pending in this action.

It is unclear why plaintiff waited almost seven months to name Lt. Bell in connection with his exposure to tuberculosis claim. In any event, because plaintiff already has a lawsuit pending involving this exact same occurrence, plaintiff's remedy is to file a motion to amend his complaint in *Ellis v. Peete*, 7:06-CV-127 (HL) to add Lt. Bell to the claim involving exposure to tuberculosis.

In light of the above, the instant lawsuit is **DISMISSED**.

SO ORDERED, this 2nd day of July, 2007.

s/ Hugh Lawson _____
HUGH LAWSON
UNITED STATES DISTRICT JUDGE

lnb