

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

WILLIE TERRELL,)
)
 Plaintiff,)
)
 v.) CV 112-028
)
 BRIAN OWENS, Commissioner, et al.,)
)
 Defendants.)

ORDER

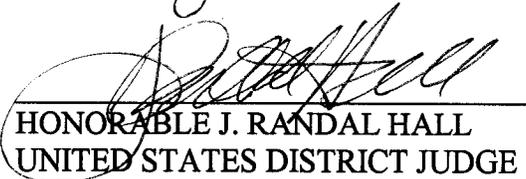
After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed (doc. no. 5). The Magistrate Judge found, pursuant to 28 U.S.C. § 1915(g), that Plaintiff had three prior cases that were dismissed for being frivolous or malicious or for failing to state a claim upon which relief may be granted, and that he did not qualify for the "imminent danger" exception. As a result, he recommended that Plaintiff's motion to proceed *in forma pauperis* ("IFP") be denied and that this action be dismissed. (Doc. no. 3.)

Plaintiff's objections are without merit, do not warrant further discussion, and are **OVERRULED**. In addition to his objections, Plaintiff has filed a motion requesting that the Court consolidate the instant action with the five other actions that Plaintiff commenced around the same time concerning many of the same events alleged in his complaint in this case. (Doc. no. 6.) This motion is also without merit. It is within the Court's discretionary authority to consolidate actions involving a common question of law or fact. See Fed. R. Civ. P. 42(a). However, consolidation is not warranted here because the Court has

determined in simultaneously issued Orders that all of Plaintiff's actions are subject to dismissal pursuant to the three strikes provision of § 1915(g). Therefore, Plaintiff's motion for consolidation is **DENIED** (Doc. no. 6.)

Accordingly, the Report and Recommendation of the Magistrate Judge is **ADOPTED** as the opinion of the Court. Therefore, Plaintiff's request to proceed IFP is **DENIED** (doc. no. 2), and this action is **DISMISSED** without prejudice. If Plaintiff wishes to proceed with this civil action, he must submit a new complaint, along with the full filing fee. Dupree v. Palmer, 284 F.3d 1234, 1236 (11th Cir. 2002) (*per curiam*).

SO ORDERED this 25th day of May, 2012, at Augusta, Georgia.


HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA