

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

JENIQUA IRENE KNUCKLES,)
)
Plaintiff,)
)
v.) CV 115-077
)
)
DEPARTMENT OF THE ARMY and)
CHRISTOPHER KENNY, Attorney,)
)
)
Defendants.)
- - - - -

JENIQUA IRENE KNUCKLES,)
)
Plaintiff,)
)
v.) CV 115-116
)
)
DEPARTMENT OF THE ARMY,)
Dwight D. Eisenhower Army)
Medical Center; KELLY ELDER;)
DEBORAH WOODS;)
and CHRISTOPHER KENNY,)
)
Defendants.)

O R D E R

On May 29, 2015, Plaintiff submitted to the Court for filing a complaint brought pursuant to 42 U.S.C. § 1983. Knuckles v. Dep't of the Army, CV 115-077, doc. no. 1 (S.D. Ga. May 29, 2015). Eleven days later, on June 9, 2015, Plaintiff submitted to the Court for filing another complaint brought pursuant to § 1983. Knuckles v. Dept. of the Army, CV

115-085, doc. no. 1 (S.D. Ga. June 9, 2015). Plaintiff voluntarily dismissed case number CV 115-085 after this Court pointed out that Plaintiff had merely filed another copy of the complaint in case number CV 115-077. Id., doc. nos. 5, 6, 7.

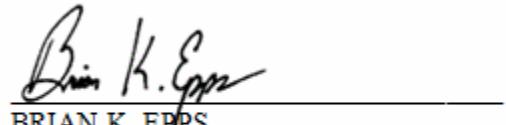
Similarly, on August 3, 2015, Plaintiff submitted to the Court for filing another complaint brought pursuant to § 1983. Knuckles v. Dep’t of the Army, CV 115-116, doc. no. 1 (S.D. Ga. Aug. 3, 2015). This complaint contains similar relief sought and statement of facts as case number CV 115-077. Compare Knuckles v. Dep’t of the Army, CV 115-077, doc. no. 1, pp. 3-5 with Knuckles v. Dep’t of the Army, CV 115-116, doc. no. 1, pp. 3-5. However, the later-filed complaint contains a more detailed and updated statement of facts, including events from July 2015, and an attached “Complaint for Injunctive Relief.” See Knuckles v. Dep’t of the Army, CV 115-116, doc. no. 1, pp. 3-10.

On August 6, 2015, the Court ordered Plaintiff to notify the Court within ten days whether she intended to file two separate cases. (Id. at doc. no. 4.) The Court warned Plaintiff that if she did not respond to the August 6th Order, (1) the Court would presume Plaintiff did not intend to open a new case, (2) case number CV 115-077 would proceed in the normal course of business with the amended complaint, and (3) case number CV 115-116 would be dismissed. See Knuckles v. Dep’t of the Army, CV 115-077, doc. no. 8 and Knuckles v. Dep’t of the Army, CV 115-116, doc. no. 4.

Plaintiff did not respond to the Court’s order in either case. Accordingly, Plaintiff has expressed her desire to voluntarily dismiss Knuckles v. Dep’t of the Army, CV 115-116. As no defendant has filed an answer or a motion for summary judgment, the Court **DIRECTS** the clerk to **DISMISS** Knuckles v. Dep’t of the Army, CV 115-116 without prejudice and terminate all pending motions. Additionally, Knuckles v. Dep’t of the Army, CV 115-077

will proceed and the court **DIRECTS** the **CLERK** to re-docket in that case as an amended complaint the complaint that Plaintiff filed in Knuckles v. Dep't of the Army, CV 115-116, doc. no. 1.

SO ORDERED this 21st day of August, 2015, at Augusta, Georgia.



BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA