

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

JOHN TREVOR TURNER,)	
)	
Plaintiff,)	
)	
v.)	CV 124-170
)	
STATE OF GEORGIA; RICHMOND)	
COUNTY SHERIFF’S DEPT.; and DEVIN)	
CAMANCHO,)	
)	
Defendants.)	

JOHN TREVOR TURNER,)	
)	
Plaintiff,)	
)	
v.)	CV 124-191
)	
STATE OF GEORGIA; DEPARTMENT OF)	
CORRECTIONS; RICHMOND COUNTY)	
SHERIFF’S DEPT.; DEVIN CAMANCHO;)	
CHRISTOPHER BROWN; JERIMIAH)	
WELCH; and SPECTRUM HEALTH)	
SYSTEMS, Paulding County RSAT Center,)	
)	
Defendants.)	

ORDER

On September 25, 2024, the Clerk of Court opened a purported civil rights case in Plaintiff’s name based on the events surrounding Plaintiff’s October 2022 arrest by Officer Camancho for possession of methamphetamine and his resultant incarceration for a probation

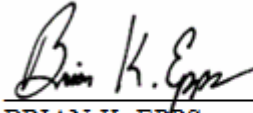
violation, even though the methamphetamine possession charge was later dismissed. See Turner v. State of Georgia, CV 124-170, doc. no. 1 (S.D. Ga. Sept. 25, 2024) (hereinafter “CV 124-170”). Because it was unclear whether Plaintiff is attempting to assert a claim pursuant to 42 U.S.C. § 1983 or is attempting to petition for habeas corpus relief pursuant to 28 U.S.C. § 2254, on October 9, 2024, the Court provided Plaintiff an appropriate form civil rights complaint used by incarcerated litigants in the Southern District of Georgia and a form habeas corpus petition and directed him to return whichever form matched the relief sought within fourteen days. (See id., doc. no. 3.)

On October 22, 2024, Plaintiff returned the civil rights form, along with an attachment which appears to be a copy of a civil action filed in the Superior Court of Richmond County, but instead of docketing the filing in CV 124-170 as an amended complaint, the Clerk of Court opened a new case in Plaintiff’s name. See Turner v. State of Georgia, CV 124-191, doc. no. 1 (S.D. Ga. Oct. 22, 2024) (hereinafter “CV 124-091”). Plaintiff’s new pleading again describes issues related to his 2022 arrest by Officer Camancho for possession of methamphetamine and his resultant incarceration; the caption lists the same Defendants in the original complaint, and adds four new parties. (See id.)

Upon examination of the pleadings in both cases, and in consideration of the instructions provided by the Court on October 9th in CV 124-170, it appears the Clerk of Court mistakenly opened CV 124-191 rather than docketing Plaintiff’s amended pleading in CV 124-170. To correct this administrative error resulting in two pending cases based on the same claims, the Court **DIRECTS** the **CLERK** to file the complaint from CV 124-191 as an amended complaint in CV 124-170 and close CV 124-191. The motion to proceed IFP in CV 124-191 is **MOOT** because Plaintiff already has a motion to proceed IFP pending in

CV 124-170 at docket entry two. Plaintiff's case shall proceed in the normal course of business as CV 124-170, and any future filings shall be captioned and filed under CV 124-170.

SO ORDERED this 23rd day of October, 2024, at Augusta, Georgia.



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