

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION**

EARNEST CLAYTON,

Plaintiff,

v.

STANLEY WILLIAMS, et al.,

Defendants.

CIVIL ACTION NO.: 6:16-cv-151

ORDER

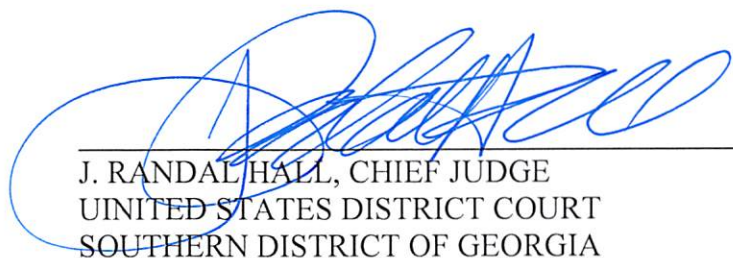
Presently before the Court are Plaintiff's Objections to the Magistrate Judge's Report and Recommendation dated May 12, 2017. (Doc. 14.) The Magistrate Judge recommended dismissal of this case, without prejudice, due to Plaintiff's failure to follow the Court's Order to file a proper Amended Complaint. (Doc. 12.) In his Objections, (doc. 14), Plaintiff avers that the Court should permit his claims to proceed, arguing that his Amended Complaint complies with Federal Rules of Civil Procedure 8(d)(2) and 8(d)(3). Rule 8(d)(2) states that "[a] party may set out 2 or more statements of a claim or defense alternatively or hypothetically, either in a single count or defense or in separate ones." Rule 8(d)(3) states that "[a] party may state as many separate claims or defenses as it has, regardless of consistency." Relying on these rules, Plaintiff maintains that he should be allowed to present multiple, unrelated claims in a single Complaint and that the Court should, therefore, reject the Magistrate Judge's recommendation to dismiss this case.

After an independent and *de novo* review of the entire record, the Court concurs with the Magistrate Judge's Report and Recommendation. While Plaintiff may, under Rule 8, present

alternative and separate legal claims, the facts underlying those claims must still arise from the same transaction or occurrence. See Smith v. Owens, No. 14-14039, 2015 WL 4281241, at *4 (11th Cir. July 16, 2015) (upholding this Court’s dismissal of unrelated claims pursuant to Federal Rule of Civil Procedure 20(a), which will allow the joinder of claims only if the claims arise “out of the same transaction, occurrence, or series of transactions or occurrences” and if “any question of law or fact common to all defendants will arise in the action.”). Accordingly, Plaintiff’s Objection that he may present multiple, unrelated claims against multiple Defendants under Rule 8(d) is without merit.

Therefore, the Court **ADOPTS** the Magistrate Judge’s Report and Recommendation as the opinion of the Court and **OVERRULES** Plaintiff’s Objections. The Court **DISMISSES** Plaintiff’s Complaint for failure to follow the Court’s Order and failure to state a claim. The Court **DIRECTS** the Clerk of Court to enter the appropriate judgment of dismissal and to **CLOSE** this case. The Court **DENIES** Plaintiff leave to proceed *in forma pauperis* on appeal.

SO ORDERED, this 14th day of November, 2017.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA