

IT IS FURTHER ORDERED that both new cases **SHALL BE ASSIGNED** to the undersigned District Judge for further proceedings. In each of the new cases, the Clerk is **DIRECTED** to file the following documents:

- (1) This Memorandum and Order;
- (2) The Original Complaint (Doc. 1) and accompanying Exhibits;
- (3) The Memorandum and Order regarding severance (Doc. 8).

IT IS FURTHER ORDERED that the *only claims remaining in this original action* **(No. 10-cv-1035) are the claims in Count 1 A. against Defendants Bedinger and Morris for excessive force on July 7, 2010.** This case shall now be captioned as: **TIMMIE MARTIN, Plaintiff, vs. LT. BEDINGER and T. MORRIS, Defendants.**

IT IS FURTHER ORDERED that **DEFENDANTS FLATT, McDANIEL, HOFFMAN, CHATMAN, and BEST** shall be **TERMINATED** from this case.

If Plaintiff is unable to pay the filing fee in full for the new cases, he shall file a Motion for Leave to Proceed *In Forma Pauperis* (IFP) in each case within 21 days of this order (on or before **November 10, 2011**). The Clerk is **DIRECTED** to mail Plaintiff two forms for a Motion for Leave to Proceed *In Forma Pauperis*. Failure to either pay the filing fee for each new action or file a Motion for Leave to Proceed *In Forma Pauperis* may result in dismissal of that new action pursuant to Federal Rule of Civil Procedure 41(b).

Service on the Defendants in the two new cases shall not be ordered until after Plaintiff

either pays the filing fee or files his Motion for Leave to Proceed *In Forma Pauperis*.

IT IS SO ORDERED.

DATED: October 19, 2011

s/J. Phil Gilbert

United States District Judge