

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

RICHARD N. BELL,)	
)	
Plaintiff,)	
)	
v.)	Case No. 1:14-cv-00525-TWP-DKL
)	
DIVERSIFIED VEHICLE SERVICES,)	
)	
Defendant.)	

ENTRY ON APPEAL OF MAGISTRATE JUDGE’S DECISION

This matter is before the Court on Plaintiff Richard N. Bell’s (“Mr. Bell”) Appeal of the Magistrate Judge Decision (Filing No. 28). On April 7, 2014, Mr. Bell filed this action against seventeen defendants. Thereafter, Mr. Bell was ordered to show cause why all defendants but one should not be dropped from the action pursuant to Federal Rule of Civil Procedure 21. (See Dkt. 7.) Mr. Bell responded, and on May 15, 2014, the Magistrate Judge found Mr. Bell’s assertion of joinder insufficient. The Magistrate Judge ordered severance of all defendants into separate causes, and ordered Mr. Bell to pay filing fees for each new case by June 2, 2014. Mr. Bell then filed this appeal.

As an initial matter, the Court notes that Mr. Bell relies on Federal Rule of Civil Procedure 59(a) in his motion and briefing. Rule 59 governs motions for new trial or amending a judgment. Rather, Mr. Bell’s motion is actually predicated on Federal Rule of Civil Procedure 72, which governs the objection and appeal process of a magistrate judge’s orders. As such, the Court conducts its analysis under Rule 72.

Turning to the merits, Mr. Bell seeks modification of the Magistrate Judge’s order making payment of filing fees in the severed causes of action mandatory. Mr. Bell informs the

Court that he has voluntarily dismissed all but two defendants in the severed causes, the remaining defendants being in Cause Number 1:14-cv-785-TWP-DKL. The dockets in the remaining causes show that those cases are now closed. Given this set of circumstances, the Court determines that fairness does not require Mr. Bell to pay filing fees in the fourteen cases in which the defendants were voluntarily dismissed and are now closed. This is in line with the procedure used in *Ford v. Wright*, No. 06-cv-449-MJR, 2009 WL 855286, at *1 (S.D. Ill. Mar. 27, 2009), where the district court gave plaintiff the option of voluntarily dismissing his claims by a given deadline, or else the claims would be severed and additional filing fees would be required.

However, because Mr. Bell still intends to pursue the cause of action in Case Number 1:14-cv-785, he must pay a filing fee to continue this action. The deadline set forth by the Magistrate Judge has passed; thus the Court extends Mr. Bell's deadline to pay the filing fee to **Monday, June 30, 2014**. His appeal of the Magistrate Judge's decision (Filing No. 28) is **GRANTED** as discussed herein.

SO ORDERED.

Date: 06/24/2014



Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

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