

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF KENTUCKY
AT PADUCAH
CIVIL ACTION NO. 5:10CV-P16-R**

**JASMINE JAZZ ADAMS
A/K/A TIMOTHY D. ROUSE**

PLAINTIFF

v.

CHINA HILAND *et al.*

DEFENDANTS

MEMORANDUM AND ORDER

This matter is before the Court on Rodney Grimes's motion to intervene in this action.

Plaintiff Jasmine Jazz Adams, also known as Timothy D. Rouse, filed a *pro se* complaint pursuant to 42 U.S.C. § 1983 against Kentucky State Penitentiary Nurse Chanin Hiland, Unit Administrator Jasis Bryon, Dr. Tom Morton, and Nurse Gene Randy. Plaintiff Adams alleged disclosure of personal and confidential medical complaints, denial of daily exercise, and denial of mental health services based on race.

On March 18, 2010, Rodney Grimes filed a motion to intervene in this action and attached a proposed complaint (DN 8). He seeks to sue Nurse Chanin Hiland and to add two new Defendants – Dr. Steve Hiland and Medical Administrator John Woods. Grimes alleges refusal of medical treatment in January 2010 in violation of the Eighth Amendment and state law.

On March 29, 2010, the Court entered Plaintiff Adams's notice of voluntary dismissal of the complaint (DN 9).

The action has been voluntarily terminated. Further, Grimes's proposed complaint contains claims that are personal to him; names different defendants; and, despite Grimes's assertion to the contrary, does not share "a common question of law or fact" with Adams's claims. Fed. R. Civ. P. 24(b)(1)(B).

For these reasons, **IT IS ORDERED** that the motion to intervene (DN 8) is **DENIED**.

The Clerk of Court is DIRECTED to open Grimes's § 1983 complaint and its attachments contained in DN 8 as a new action.

Date:

cc: Plaintiff Adams, *pro se*
Rodney Grimes
4413.005