

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**DERRICK SUMRALL**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO.: 4:16VC47-SA-JMV  
LEAD CASE, CONSOLIDATED**

**MARCUS DAVIS, JOHN DOE RAY-RAY,  
JOHN DOE JOHNSON, JOHN DOE MEGATRON,  
MARSHALL FISHER, JERRY WILLIAMS,  
SUPT'S EARNEST LEE, TIMOTHY MORRIS,  
WENDELL BANKS, MARYLEN STURDIVANT,  
CONNIE DURR, KENISHEA COX, and  
RAYNETTE WELLS**

**DEFENDANTS**

**CONSOLIDATED WITH**

**DERRICK SUMRALL**

**PLAINTIFF**

**V.**

**CIVIL ACTION NO.: 4:16CV34-DMB-DAS**

**MARSHALL FISHER, MARCUS DAVIS,  
JOHN DOE RAY RAY, JOHN DOE JOHNSON,  
JERRY WILLIAMS, N BANKS, TIMOTHY MORRIS,  
EARNEST LEE, MARYLEN STURDIVANT,  
DANIEL DURR, RAYNETTE WELLS, KENISHA COX, and  
SABRINA JACKSON**

**DEFENDANTS**

**ORDER CONSOLIDATING CASES**

This matter is before the court upon consideration of whether the instant case, filed by the plaintiff *pro se* and *in forma pauperis* under 42 U.S.C. § 1983, will be consolidated with another § 1983 case brought by the plaintiff that is currently pending in this district. The court notes that it is authorized to consolidate actions with common questions of law or fact. *See* Fed. R. Civ. P.

42.

On December 18, 2015, the plaintiff initiated a civil rights action, *Derrick Sumrall v. Marcus Davis, et al.*, cause number 4:16cv47-SA-JMV, claiming violations similar, if not identical, to those raised in the instant complaint and involving most, if not all, of the same defendants.<sup>1</sup> The difference between the complaints is minimal, and consolidation is warranted in the interest of judicial economy. Although the instant case was filed earlier in time, the court has already held a hearing in cause number 4:16cv47 and made recommendations as to which parties and claims should proceed. Therefore, it is **ORDERED**:

That civil action number 4:16cv34-DMB-DAS, entitled *Derrick Sumrall v. Marshall Fisher, Marcus Davis, John Doe Ray Ray, John Doe Johnson, Jerry Williams, N Banks, Timothy Morris, Earnest Lee, Marylen Sturdivant, Daniel Durr, Raynette Wells, Kenisha Cox, and Sabrina Jackson* is hereby consolidated with civil action number 4:16cv47-SA-JMV, entitled *Derrick Sumrall v. Marcus Davis, John Doe Ray-Ray, John Doe Johnson, John Doe Megatron, Marshall Fisher, Jerry Williams, Supt's Earnest Lee, Timothy Morris, Wendell Banks, Marylen Sturdivant, Connie Durr, Kenishea Cox, and Raynette Wells* with 4:16cv47-SA-JMV serving as the lead case and the style to read as above captioned.

The parties and counsel are directed to indicate in the caption of all documents filed with court both the lead case number and consolidated case number. The word "CONSOLIDATED" must appear directly under the lead case number before the first consolidated case number. The parties and counsel for all parties are directed to docket and file all documents in the lead case unless directed otherwise. Documents may be filed in all cases so long as counsel places the

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<sup>1</sup> The court notes that the defendants appear to be the same in both cases, with differences likely due to the court's misinterpretation of the plaintiff's handwriting.

words "FILED IN ALL CASES" in the caption under the last case number and electronically files the document in each and every case which the document is to be filed or appropriately spreads the filing according to the court's electronic case management and filing system. The parties and counsel are responsible for accurately and correctly following these requirements in all filings, whether manual or via the court's electronic case management system.

**SO ORDERED** this the 11<sup>th</sup> day of January, 2017.

/s/ DAVID A. SANDERS  
UNITED STATES MAGISTRATE JUDGE