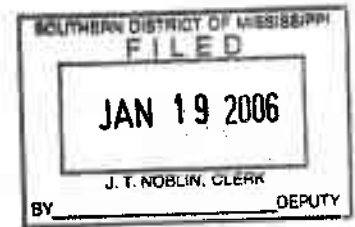


**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
HATTIESBURG DIVISION**



**JAMES A. STEWARD, ET AL.**

**PLAINTIFFS**

**VS.**

**CIVIL ACTION NO. 2:05cv81-KS-JMR**

**HALEY BARBOUR, ET AL.**

**DEFENDANTS**

**ORDER REQUIRING SEPARATE COMPLAINTS**

BEFORE THE COURT is the defendants' Motion [40-1] to Dismiss Class Action Allegations and to Dismiss Complaint, or Alternatively, Motion to Sever Plaintiffs' Claims into Separate Actions and to Require Plaintiffs to File Amended Complaints in Compliance with F.R.C.P. 8(a) filed on November 9, 2005. The Court is of the opinion that plaintiffs must file separate complaints for the reasons set forth below.

Plaintiffs are prisoners who filed a joint complaint alleging that they have been injured in different ways at different times under the Americans With Disabilities Act and the Rehabilitation Act.

**I.**

With these concerns in mind and with the objective of achieving judicial economy and maintaining efficient control of its docket, the Court finds it appropriate to sever the recent matter into individual actions, one for each named plaintiff. The present case, Civil Action No. 2:05cv81KS-JMR will be dismissed without prejudice.

The Clerk of the Court will be directed to assign a new case number to each individual action. The Clerk of Court shall be directed to place copies of the present complaint, and other documents, including this order in each file. Each document shall be entered as of the date of this order. The newly assigned case number shall be placed upon the copy of the present

complaint and other documents and they shall serve as the original documents in the severed action. In the event the Court finds that common questions of law or fact exist in separate cases, the Court may then order that those cases be consolidated, as provided in Fed.R.Civ.P. 42(a).

Upon assignment of individual case numbers and creation of individual files, the Court will make further orders in each case after conducting its review pursuant to 28 U.S.C. § 1915.

IT IS THEREFORE ORDERED:

- (1) That Civil Action No. 2:05cv81KS-JMR shall be severed into individual actions, one for each named plaintiff;
- (2) That the severed cases shall be captioned as follows:
  - James Steward vs. Haley Barbour, et al.
  - Rodney W. Manley vs. Haley Barbour, et al.
  - James Garner vs. Haley Barbour, et al.
  - Glendale Sones vs. Haley Barbour, et al.
  - C.W. Taylor vs. Haley Barbour, et al.
  - Fred Schuck vs. Haley Barbour, et al.
  - Robert Whitlock vs. Haley Barbour, et al.
  - Christopher Havard vs. Haley Barbour, et al.
  - James Boggan vs. Haley Barbour, et al.
  - Troy Wade vs. Haley Barbour, et al.
  - Thomas Taylor vs. Haley Barbour, et al.
- (3) That the Clerk of Court is directed to assign individual civil action numbers to each of the severed cases;
- (4) That the Clerk of the Court is directed to place a copy of the complaint and other

documents filed in Civil Action No. 2:05cv81KS-JMR including this order, in each newly created file;

(5) That the complaint and action in Civil Action No. 2:05cv81KS-JMR is dismissed without prejudice and all motions pending therein are terminated;

SO ORDERED AND ADJUDGED this the 19<sup>th</sup> day of January, 2006.

  
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Chief U.S. Magistrate Judge