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

TIMOTHY HAMMERS   PLAINTIFF

versus   CIVIL ACTION NO. 2:07-cv-90-KS-MTP

DEMETRIUS HATHORNE   DEFENDANT

consolidated with

TIMOTHY HAMMERS   PLAINTIFF

versus   CIVIL ACTION NO. 2:07-cv-91-KS-MTP

T.C. COOLEY   DEFENDANT

consolidated with

TIMOTHY HAMMERS   PLAINTIFF

versus   CIVIL ACTION NO. 2:07-cv-92-KS-MTP

JERRY Q. MAGEE   DEFENDANT

ORDER CONSOLIDATING CASES

This matter is before the court on plaintiff's motion [15] filed in the *Magee* matter,[1]

seeking consolidation with the *Hathorne*[2] and *Cooley*[3] matters. For the reasons set forth below,

the court finds that the motion should be granted.

Rule 42(a) of the Federal Rules of Civil Procedure provides that "[w]hen actions

involving a common question of law or fact are pending before the court, it may order a joint

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[1] *Hammers v. Magee*, docket no. 2:07cv92.

[2] *Hammers v. Hathorne*, docket no. 2:07cv90.

[3] *Hammers v. Cooley*, docket no. 2:07cv91.

hearing or trial of any or all of the matters in issue in the actions; it may order all the actions

consolidated; and it may make such orders concerning proceedings therein as may tend to avoid

unnecessary costs or delay." Plaintiff argues that the three cases "involve the same incident and

occurred at the same time," and that consolidation "will assist in judicial economy and avoid

unnecessary delay and cost of litigation." Having reviewed the complaints in the three separate

actions, this court agrees that consolidation would be appropriate. The court further notes that

neither defendant Magee nor defendant Cooley (both represented by the same attorney) has

objected to consolidation.[4]

IT IS, THEREFORE, ORDERED AND ADJUDGED that these matters are hereby

consolidated for all purposes. All future pleadings and filings shall be filed only in cause no.

2:07cv90.

SO ORDERED on this, the 8th day of February, 2008.

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s/ Michael T. Parker
United States Magistrate Judge

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[4] It appears that defendant Hathorne had not yet been served with process.