

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
JEROME WASHINGTON,

Plaintiff,

-against-

ORDER

15-CV-1251 (JS) (SIL)

SHERIFF MICHAEL SPOSATO,  
SGT. SIMPSON, C.O. COUGHLIN,  
and C.O. MICHAEL ADAMS,

Defendants.

-----X  
APPEARANCES

For Plaintiff: Jerome Washington, pro se  
2182 Mona Lisa Drive  
Montgomery, AL 36111

For Defendants: No appearances.

SEYBERT, District Judge:

Pro se plaintiff Jerome Washington ("Plaintiff") commenced the instant civil rights action against Nassau County Sheriff Michael Sposato, Sgt. Simpson, C.O. Coughlin, and C.O. Michael Adams (collectively, "Defendants"), pursuant to 42 U.S.C. § 1983 ("Section 1983"). Plaintiff's Complaint is accompanied by an application to proceed in forma pauperis.

Upon review of Plaintiff's declaration in support of his application to proceed in forma pauperis, the Court finds that Plaintiff's financial status qualifies him to commence this action without prepayment of the filing fees. See 28 U.S.C. § 1915(a)(1). Therefore, Plaintiff's request to proceed in forma pauperis is GRANTED.

The Court further finds that because the parties, claims,

and issues in the instant Complaint are already before the Court in Plaintiff's earlier cases as consolidated under docket number 12-CV-1452(JS) (SIL), consolidation is appropriate pursuant to Federal Rule of Civil Procedure 42. Both actions involve common questions of law and fact, and consolidation would serve the interests of judicial economy and would avoid unnecessary costs or delay.

"The Second Circuit has long adhered to the first-filed doctrine in deciding which case to dismiss where there are competing litigations. Where there are two competing lawsuits, the first suit should have priority, . . . ." Kellen Co. v. Caphalon Corp., 54 F. Supp. 2d 218, 221 (S.D.N.Y. 1999) (internal quotation marks, alterations, and citations omitted); see also Adam v. Jacobs, 950 F.2d 89, 92 (2d Cir. 1991). Accordingly, **the Clerk of the Court shall consolidate the above-captioned case under the first filed case, 12-CV-1452(JS) (SIL) and shall CLOSE the case with docket number 15-CV-1251(JS) (SIL).** Any further filings shall be made under docket number 12-CV-1452(JS) (SIL).

[BOTTOM OF PAGE INTENTIONALLY LEFT BLANK]

The Clerk of the Court is directed to forward copies of the Summonses, Complaint, and this Order to the United States Marshal Service for service upon Defendants without prepayment of fees, and to serve notice of entry of this Order in accordance with Rule 77(d)(1) of the Federal Rules of Civil Procedure by mailing a copy of this Order to the pro se Plaintiff at his last known address. See FED. R. CIV. P. 5(b)(2)(C).

SO ORDERED.

/s/ JOANNA SEYBERT  
Joanna Seybert, U.S.D.J.

Dated: July 30, 2015  
Central Islip, New York