

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Dennis James Gaede,)	
)	
Plaintiff,)	ORDER
)	
vs.)	
)	
James T. Podrebarac, et. al.,)	Case No. 1:10-cv-070
)	
Defendants.)	

Before the court is a Motion for Consolidation of Actions filed by the plaintiff, an inmate at the North Dakota State Penitentiary (“NDSP”). Plaintiff seeks consolidation of his case with Greywind v. Podrebarac, Case No. 1:10-cv-006, another inmate-initiated action now pending before this court.

Rule 42 provides in relevant part that “[i]f actions before the court involve a common question of law or fact, the court may: (1) join for hearing or trial any or all matters at issue in the actions; (2) consolidate the actions; or (3) issue any other orders to avoid unnecessary cost or delay.” Fed. R. Civ. P. 42(a) (emphasis added). Although the adequacy of the NDSP’s dental care is at issue in each action, the underlying factual bases the plaintiffs’ respective claims are unique. Moreover, given the present posture of these actions, the court is not persuaded that consolidation of these two actions will yield any material savings in terms of time or resources. Accordingly, the court **DENIES** plaintiff’s Motion for Consolidation of Actions (Docket No. 12).

IT IS SO ORDERED.

Dated this 7th day of December, 2010.

/s/ Charles S. Miller, Jr. _____
Charles S. Miller, Jr.
United States Magistrate Judge