IN THE UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

IRVING MURRAY,	:	
	:	
Plaintiff	:	
	:	
v.	:	CIVIL NO. 3:CV-17-482
	:	
JOHN E. WETZEL, ET AL.,	:	(Judge Conaboy)
	:	
Defendants	:	

::

IRVING MURRAY,	:	
	:	
Plaintiff	:	
	:	
v.	:	CIVIL NO. 3:CV-17-491 ✓
	:	
JOHN E. WETZEL, ET AL.,	:	(Judge Conaboy)
	:	
Defendants	:	

MEMORANDUM

Background

Irving Murray, an inmate presently confined at the Mahanoy State Correctional Institution, Frackville, Pennsylvania (SCI-Mahanoy), filed both of the above captioned pro se civil rights actions pursuant to 42 U.S.C. § 1983. Both matters were initiated on March 20, 2017. The Plaintiff has also submitted

an in forma pauperis application in each case.[1] Service has not yet been ordered in either case.

Named as Defendants in Plaintiff's initially docketed filing are Secretary John Wetzel, Health Care Services Director Joseph Silva and Chief Grievance Officer Dorina L. Varner of the Pennsylvania Department of Corrections (DOC) and Correct Care Solutions. Also listed as Defendants are the following individuals involved with the Plaintiff's care at SCI-Mahanoy: Superintendent T. Delblaso; Major D. Damore; Deputy Superintendent for Centralized Services B. Mason; Grievance Coordinator Jane Hinman; Keri Moore; Health Care Administrator John Steinhart; Doctors Courtney Rodgers, Robert Marsh, Andrew Newton, Paul Noel, and Jay Cowan; Physicians' Assistants R. Miller and Nancy Palmigiano; Nurse Brenda Houser; PSS Amber Voekler; and LPM E. Everding. Plaintiff vaguely asserts that he is being denied adequate treatment for Hepatitis and being improperly required to pay for pain medication.

The Plaintiff's initially docketed action is clearly labeled as being a request for preliminary injunctive relief. Iti s also noted Murray's submission cannot stand by itself as a proper civil rights complaint.

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[1] Murray has completed this Court's form application to proceed in forma pauperis and authorization to have funds deducted from his prison account.

Murray's second action names the same Defendants along with SCI-Mahanoy Unit Manager Kevin Kellner. It is clearly captioned as being a civil rights complaint. Plaintiff asserts that he is not being provided with adequate medical care for his asthma, Hepatitis C, and hypertension and other problems. Murray adds that the alleged withholding of needed health care is being undertaken in retaliation for his affiliation with another prisoner. The Complaint also raises claims that prison officials have improperly required Murray to pay for pain medication through the prison commissary, falsified records, failed to provide mental health programming, and improperly assigned him to an upper bunk.

Discussion

Rule 42(a) of the Federal Rules of Civil Procedure states:

> (a) **Consolidation.** If 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;
> (2) consolidate the actions; or
> (3) issue any other orders to avoid unnecessary costs or delay.

Fed. R. Civ. P. 42(a).

In a declaration filed by Murray in both actions, the

Plaintiff indicates that it his intent to file a single complaint and a motion for preliminary injunctive relief. See Doc. 6.

Based upon a review of both cases, It is apparent that it was Murray's intention to only initiate a single civil rights action with this Court. Consequently, since the above described actions contain common factors of law and fact, this Court will order the consolidation of both actions pursuant to Rule 42(a) and will proceed with the consolidated matter under Civil Action No. 3:CV-17-491, the matter to which the Complaint was filed. Plaintiff's initially filed matter, Civil Action No. 3:CV-17-492 which will be construed as a motion for preliminary injunctive relief in Civil Action No. 3:CV No. 3:CV-17-491. Service of the complaint and motion for preliminary relief will be ordered. An appropriate Order will enter.

RICHARD P. CONABOY
United States District Judge

DATED: APRIL 10th, 2017