
**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

ROY D. TAYLOR,

Plaintiff,

v.

BRANDON RUSSELL, et al.,

Defendants.

**MEMORANDUM DECISION
AND ORDER**

Case No. 2:16-cv-00961-CW-PMW

District Judge Clark Waddoups

Chief Magistrate Judge Paul M. Warner

Before the court are plaintiff Roy D. Taylor's ("Plaintiff") (1) motion to consolidate cases (the "Motion to Consolidate") (ECF No. 17), and (2) motion for temporary restraining order (the "Motion for TRO") (ECF No. 19). For the reasons set forth below, both the Motion to Consolidate and the Motion for TRO are denied without prejudice.

MOTION TO CONSOLIDATE

Pursuant to civil rule 42-1 of the Rules of Practice for the United States District Court for the District of Utah, a motion to consolidate cases "must be filed in the lower-numbered case, and a notice of the motion must be filed in the all other cases which are sought to be consolidated." DUCivR 42-1(b). Plaintiff's motion to consolidate cases seeks to consolidate the above-captioned case with case number 2:15-cv-00343-DN. Because it was filed in the higher-numbered case, the court hereby DENIES WITHOUT PREJUDICE the Motion to Consolidate. Plaintiff is free to refile his motion in the lower-numbered case, in compliance with civil rule 42-1 of the Rules of Practice for the United States District Court for the District of Utah.

MOTION FOR TRO

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, a temporary restraining order or injunction “only binds . . . the parties; . . . the parties’ officers, agents, servants, employees, and attorneys; and . . . other persons who are in active concert or participation with anyone described in Rule 65(d)(2)(A) or (B).” Fed. R. Civ. P. 65(d)(2). Plaintiff’s Motion for TRO bears no relation to the facts asserted in the complaint filed in this case. The motion seeks to enjoin persons who are neither parties to the above-captioned case, nor in any way related to the parties. Accordingly, this court has no jurisdiction to grant the requested relief. For this reason, the court hereby DENIES WITHOUT PREJUDICE the Motion for TRO. In the event that Plaintiff has filed the motion in the incorrect case, nothing in this order prevents him from refiling his motion in another case.

CONCLUSION

In summary, for the reasons set forth above, IT IS HEREBY ORDERED:

1. Plaintiff’s Motion to Consolidate (ECF No. 17) is DENIED WITHOUT PREJUDICE.
2. Plaintiff’s Motion for TRO (ECF No. 19) is DENIED WITHOUT PREJUDICE.

IT IS SO ORDERED.

DATED this 11th day of July, 2018.

BY THE COURT:



Clark Waddoups
United States District Court Judge