

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

THOMAS BARFELL,

Plaintiff,

v.

Case No. 17-cv-1365

**CORRECTIONAL HEALTH CARE
COMPANIES, *et al.*,**

Defendants.

ORDER

Over the last few years, plaintiff Thomas Barfell, a Wisconsin state prisoner who is representing himself, has filed numerous civil rights complaints under 42 U.S.C. § 1983. Three of those lawsuits are currently pending before this court. *See Barfell v. Correctional Health Care Companies, et al.*, case no. 17-cv-1365-WED; *Barfell v. Aramark, et al.*, case no. 17-cv-1567-WED; and *Barfell v. Prekop, et al.*, case no. 17-cv-1739-WED.

On December 18, 2017, the court screened Barfell's complaint in case no. 17-cv-1365-WED and told him that he could not join legal claims unless they had common questions of law or fact. (ECF No. 8 at 8-9.) The court noted that Barfell's medical care claims were distinct from his religious claims and, therefore, belonged in different lawsuits. (*Id.*) The court then instructed Barfell to file an amended complaint that included only related claims. (*Id.* at 10.)

Barfell subsequently filed an amended complaint in all three currently-pending lawsuits. Case no. 17-cv-1365-WED appears to relate to his medical care claims, case no.

17-cv-1567-WED appears to relate to his diet and religious claims, and case no. 17-cv-1739-WED appears to relate to denial of access to the federal courts and the Inmate Complaint Review System ("ICRS"). Barfell now asks the court to consolidate all three lawsuits because it will be less costly. (ECF No. 13.)

Consolidation under Federal Rule of Civil Procedure 42 is appropriate only if the "actions before the court involve a common question of law or fact." As discussed in the screening order, Barfell's "claims have no common question of fact or law." (ECF No. 8 at 8-9.) Therefore, for the same reason he could not join his claims in a single lawsuit, he cannot now consolidate these three lawsuits. Barfell must notify the court on or before **March 16, 2018**, if he wants to voluntarily dismiss any of his lawsuits. If the court does not hear from Barfell on or before that date, it will grant his motions to proceed without prepayment of the filing fee in case nos. 17-cv-1567-WED and 17-cv-1739-WED and will screen the complaints. If either of the complaints are deemed frivolous, malicious, or fail to state a claim, the court will issue a "strike" under 28 U.S.C. § 1915(g), and Barfell may lose his ability to bring other actions *in forma pauperis*.

NOW, THEREFORE, IT IS ORDERED that Barfell's motion to consolidate cases (ECF No. 13) is **DENIED**. Barfell must notify the court, on or before **March 16, 2018**, if he wants to voluntarily dismiss any of his lawsuits.

Dated at Milwaukee, Wisconsin this 23rd day of February, 2018.


WILLIAM E. DUFFIN
U.S. Magistrate Judge