

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION

CLIFF DAVENPORT

PLAINTIFF

V.

CIVIL ACTION NO.4:08CV39-MPM-JAD

JAMES WHISNANT

DEFENDANTS

ORDER CONSOLIDATING ACTION NUNC PRO TUNC

The plaintiff filed a motion to consolidate this case with the lead case of *Givhan v Puckett*, 4:82CV64 (Doc. 9). The court indicated its intent to consolidate this action with *Givhan* at Spears hearing. The plaintiff in this action has been active in the *Givhan* case, having filed an objection therein. The order of consolidation should be entered *nunc pro tunc*, as of the date of the *Spears* hearing on May 14, 2008.

IT IS ORDERED that this action should be and it is hereby consolidated with *Givhan v. Puckett*, Civil Action No. 4:82CV64. The motion (Doc. 9) is granted to the extent of consolidating this action with *Givhan*. To the extent that it seeks amendment of the complaint it is denied as not being in compliance with the rules of the court.

SO ORDERED this the 25th day of February, 2009.

/s/ JERRY A. DAVIS
UNITED STATES MAGISTRATE JUDGE