

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

CHRISTIAN M. GRUBER,

Plaintiff,

v.

CASE NO. 21-3186-SAC

CHRISTOPHER WECKER,

Defendant.

CHRISTIAN M. GRUBER,

Plaintiff,

v.

CASE NO. 21-3187-SAC

GERRY NICTER, et al.,

Defendants.

MEMORANDUM AND ORDER

This matter is before the Court on a Motion to Consolidate (ECF No. 4) filed by Defendant. Defendant seeks to consolidate this case with Case No. 21-3187-SAC. Defendant argues the cases should be consolidated because both involve claims that Plaintiff's constitutional rights were violated at the Osage County Jail, both name only defendants employed by the Osage County Sheriff's Office, and it would promote judicial efficiency to litigate the two cases together.

Rule 42 provides that the Court may order consolidation if actions involve a common question of law or fact. Fed. R. Civ. P. 42(a). The decision whether to consolidate such actions is

left to the sound discretion of the trial court. *Shump v. Balka*, 574 F.2d 1341, 1344 (10th Cir. 1978).

The Court finds the cases should be consolidated and grants Defendant's motion.

IT IS THEREFORE ORDERED BY THE COURT that Defendant's Motion to Consolidate (ECF No. 4) is **granted**. Case Nos. 21-3186-SAC and 20-3187-SAC are consolidated. All future filings shall be captioned and docketed in Case No. 21-3186-SAC.

IT IS SO ORDERED.

Dated in Topeka, Kansas on this 27th day of August, 2021.

s/ Sam A. Crow
Sam A. Crow
U.S. Senior District Judge