

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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TIMOTHY J. TAYLOR,

Plaintiff,

9:05-CV-0543

v.

NEW YORK STATE DEPARTMENT OF  
CORRECTIONAL SERVICES,

Defendant.  
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U.S. DISTRICT COURT  
N.D. OF N.Y.  
FILED

**JUL 25 2005**

LAWRENCE K. BAERMAN, Clerk  
UTICA

APPEARANCES

TIMOTHY J. TAYLOR

Plaintiff, *pro se*

94-B-2378

Cayuga Correctional Facility

P.O. Box 1186

Moravia, New York 13118

DAVID N. HURD

United States District Judge

**ORDER**

Presently before the Court for review is an amended complaint from *pro se* plaintiff Timothy J. Taylor. Dkt. No. 6.<sup>1</sup> Taylor filed his amended complaint in accordance with this Court's prior Order in this action. Dkt. No. 4.

By his amended complaint, plaintiff more clearly sets forth his claims relating to his participation in the Sex Offender Counseling Program. In addition, it is clear from the amended complaint that plaintiff seeks to have this action consolidated with *Donhauser v. Goord*, 9:01-CV-1535 (DNH/GHL), a class action lawsuit currently

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<sup>1</sup> Plaintiff has also submitted a supplemental Affidavit of Merit/Amended Complaint. Dkt. No. 8.

pending in this District which challenges certain aspects of the New York State Department of Correctional Services ("DOCS") Sexual Offender Counseling Program.<sup>2</sup>

Upon review of plaintiff's amended complaint and affidavit of merit, the Court finds that common questions of law and/or fact are presented in *Donhauser* and in this action. Therefore, the Court hereby consolidates these actions, with this action being deemed a member case. Fed.R.Civ.P. 42(a).

WHEREFORE, it is hereby

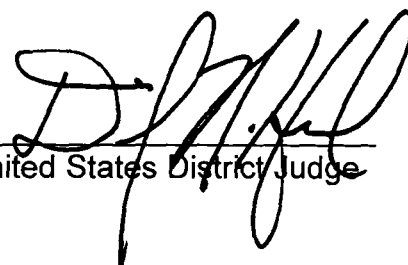
ORDERED, that this action is consolidated with *Donhauser v. Goord*, 9:01-CV-1535 (DNH/GHL), and it is further

ORDERED, that *Donhauser* shall be the lead case, and this action shall be deemed a member case, and it is further

ORDERED, that the Clerk file and docket a copy of this Order in *Donhauser*, 9:01-CV-1535 (DNH/GHL), and it is further

ORDERED, that the Clerk serve a copy of this Order on plaintiff and on the parties in *Donhauser*.

IT IS SO ORDERED.

  
United States District Judge

Dated: July 22, 2005  
Utica, New York.

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<sup>2</sup> In *Donhauser*, this Court issued a preliminary injunction on April 23, 2004 ordering that "defendants and persons acting under their direction and/or control are enjoined from depriving a prisoner of good time credits because of the prisoner's refusal to divulge a history of sexual conduct, including illegal acts for which no criminal charges have been filed, in order to be eligible for the Sexual Offender Counseling Program." 9:01-CV-1535, Dkt. No. 85. Plaintiff's amended complaint states that his intention is to become part of *Donhauser*. Dkt. No. 8 at 1.

