WO 1 2 3 4 5 IN THE UNITED STATES DISTRICT COURT 6 7 FOR THE DISTRICT OF ARIZONA 8 9 Warren W. Summerlin, CIV 15-02375-PHX-ROS (MHB) 10 Petitioner, **ORDER** 11 VS. 12 Charles Ryan, et al., Respondents. 13 14 15 On May 3, 2016, Petitioner filed an *pro se* Amended Petition for Writ of Habeas 16 Corpus pursuant to 28 U.S.C. 2254, raising various claims. (Doc. 11.) In response, 17 Respondents filed a Notice of Lack of Subject Matter Jurisdiction to Consider Petitioner's 18 Second or Successive Petition for Writ of Habeas Corpus, claiming that Petitioner's habeas 19 petition should be dismissed as successive, and that Petitioner has not obtained authorization 20 from the Ninth Circuit Court of Appeals to file a successive petition. (Doc. 18.) In 21 Petitioners response, he claims that his previous habeas petition related to a different case 22 number in state court ("case # CR-110502"), than the case number of the conviction he 23 challenges in the instant habeas petition ("CR-125325"). (Doc. 21 at 2.) 24 The Court, not having the documents before it to resolve Petitioner's claim, will order 25 Respondents to file a reply to Petitioner's response, addressing only the issue of whether 26 Petitioner's instant habeas petition raises issues relating to a different case than his previous 27 habeas petition. 28 Wherefore,

IT IS ORDERED that Respondents, on or before November 28, 2016, file a reply to Petitioner's response to Respondents' Notice of Lack of Subject Matter Jurisdiction to Consider Petitioner's Second or Successive Petition for Writ of Habeas Corpus, just addressing the issue discussed herein.

IT IS FURTHER ORDERED that no further responses/replies be filed until further order of the Court.

DATED this 17th day of November, 2016.

Michelle H. Burns

United States Magistrate Judge