

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

GARY W. GARDNER **PETITIONER**
ADC #95674

VS. **CASE NO.: 5:14CV00131 JLH/BD**

RAY HOBBS, Director, **RESPONDENT**
Arkansas Department of Correction

AND

GARY W. GARDNER **PETITIONER**
ADC #95674

VS. **CASE NO.: 5:14CV00158 JLH/BD**

RAY HOBBS, Director, **RESPONDENT**
Arkansas Department of Correction

ORDER OF CONSOLIDATION

On April 9, 2014, Petitioner Gary W. Gardner filed a petition for a writ of habeas corpus alleging improper calculation of his good-conduct time. (Docket entry #2) Mr. Gardner has now filed a second, identical petition for writ of habeas corpus. The Clerk has assigned docket number 5:14CV158 to the second petition.

Federal Rule of Civil Procedure 42(a) provides that “[i]f actions before the court involve a common question of law or fact,” the court may consolidate the actions. The Court can apply the Federal Rules of Procedure to habeas proceedings. Rule 12, Rules Governing § 2254 Cases in United States District Courts.

Having reviewed both petitions, the Court finds that consolidation is appropriate. The petitions not only involve a common question of law or fact, but also are identical in all respects, except for the verification dates.

In accordance with the practice in the Eastern District of Arkansas, the first-filed case, *Gardner v. Hobbs*, 5:14CV131, is designated as the lead case. All pleadings should be filed in that case. The Clerk is directed to close Case Number 5:14CV158.

IT IS SO ORDERED this 1st day of May, 2014.


UNITED STATES MAGISTRATE JUDGE