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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JOHNNY LEE BRIGGS,	)	1:12-cv-01549-SKO-HC
	)	1:13-CV-00592-BAM-HC
Petitioner,	)	
v.	)	ORDER CONSOLIDATING CASES
	)	1:12-cv-01549-SKO-HC
FRESNO SUPERIOR COURT,	)	AND 1:13-cv-00592-BAM-HC
et al.,	)	
	)	ORDER DIRECTING THE CLERK
Respondents.	)	TO CLOSE ACTION NUMBER
	)	1:13-cv-00592-BAM-HC
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JOHNNY LEE BRIGGS,	)	ORDER DIRECTING THE PARTIES TO
	)	FILE IN THE FUTURE ALL DOCUMENTS
Petitioner,	)	IN ACTION NUMBER 1:12-cv-01549-
v.	)	SKO-HC
	)	
C. GIBSON,	)	
	)	
Respondent.	)	
	)	

Petitioner Johnny Lee Briggs is proceeding pro se and in forma pauperis in action number 1:13-cv-00592-BAM-HC with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter has been referred to the Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1) and Local Rules 302 and 303. Pending before the Court is the petition, which was filed on April 24, 2013.

Rule 4 of the Rules Governing § 2254 Cases in the United

1 States District Courts (Habeas Rules) requires the Court to make  
2 a preliminary review of each petition for writ of habeas corpus.  
3 The Court must summarily dismiss a petition "[i]f it plainly  
4 appears from the petition and any attached exhibits that the  
5 petitioner is not entitled to relief in the district court...."  
6 Habeas Rule 4; O'Bremski v. Maass, 915 F.2d 418, 420 (9th Cir.  
7 1990); see also Hendricks v. Vasquez, 908 F.2d 490 (9th Cir.  
8 1990).

9 From screening the petition in case number 1:13-cv-00592-  
10 BAM-HC, it appears that the petition concerns the same detention  
11 that is presently before the Court in Johnny Lee Briggs v. Fresno  
12 Superior Court, case number 1:12-cv-01549-SKO-HC, another habeas  
13 corpus proceeding that is awaiting screening.

14 Accordingly, the Court EXERCISES its discretion pursuant to  
15 Fed. R. Civ. P. 42(a)<sup>1</sup> to consolidate the two habeas corpus  
16 actions for all purposes so that the cases may be screened  
17 together, and the exact nature of the claims for relief may be  
18 determined.

19 Accordingly, it IS ORDERED that

20 1. Actions number 1:12-cv-01549-SKO-HC and 1:13-cv-00592-  
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22 <sup>1</sup>Fed. R. Civ. P. 42(a) provides:

23 If actions before the court involve a common question  
24 of law or fact, the court may:

- 25 1) join for hearing or trial any or all matters at  
26 issue in the actions;  
2) consolidate the actions; or  
3) issue any other orders to avoid unnecessary cost  
or delay.

27 A trial court has broad discretion to consolidate in whole or in part  
28 cases pending in the same district. Investors Research Co. v. United States  
District Court for the Central District of California, 877 F.2d 777 (9th Cir.  
1989).

1 BAM-HC are CONSOLIDATED for all purposes; and

2 2. Pending further order of the Court, the parties are  
3 DIRECTED to file all future papers in action number 1:12-cv-  
4 01549-SKO-HC with a caption of Johnny Lee Briggs v. Fresno  
5 Superior Court, et al.; and

6 3. The Clerk of Court is DIRECTED to file all future papers  
7 in action number 1:12-cv-01549-SKO-HC, and to close action number  
8 1:13-cv-00592-BAM-HC.

9 IT IS SO ORDERED.

10 Dated: April 29, 2013

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE