

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ZANE HUBBARD,)	Case No.: 1:13-cv-01758-LJO-JLT
)	
Petitioner,)	ORDER DENYING REQUEST FOR ASSISTANCE
)	WITH SERVICE AS MOOT (Doc. 32)
v.)	
)	ORDER DENYING REQUEST TO EXPEDITE
CONNIE GIPSON,)	DECISION ON THE PETITION (Doc. 42)
)	
Respondent.)	
)	

Before the Court are two motions filed by Petitioner. In the first, Petitioner seeks the Court’s assistance in perfecting service. (Doc. 32) In the second, he requests the Court expedite a decision on his petition for habeas corpus. (Doc. 42)

In this action, everyone needing service—Connie Gipson—the warden where Petitioner is incarcerated, has been served. Indeed, Warden Gipson has appeared in this action. (Docs. 20, 41) Thus, the request for assistance to serve those involved in his trial court action (Doc. 32) is **DENIED**.

Plaintiff also requests that the Court decide his petition for writ of habeas corpus more expeditiously. (Doc. 42) Notably, the answer to the petition was filed only on September 2, 2015—just 20 days ago—and Petitioner has not yet filed his traverse. (Doc. 41) Thus, the matter is not yet fully briefed and, until it is or until the Court determines that Petitioner is waiving his right to file a traverse, the matter cannot be decided. Petitioner could assist in moving the case along by filing a notice that he does not intend to file a traverse or to file his traverse immediately.

1 On the other hand, Petitioner is well known to this Court. Currently, in addition to this matter,
2 he has at least three active habeas petitions (case numbers 1:14-cv-00318-AWI-SMS; 1:15-cv-01138-
3 LJO-MJS; 1:15-cv-01192-AWI-JLT). In addition, he has filed 17 habeas petitions since 2013 that
4 have been closed. (Case numbers: 1:13-cv-01789-SKO; 1:13-cv-02069-LJO-MJS; 1:13-cv-02099-
5 RJT; 1:14-cv-00043-LJO-GSA; 1:14-cv-00318-AWI-SMS; 1:14-cv-00328-AWI-BAM; 1:14-cv-
6 00345-LJO-SAB; 1:14-cv-00360-LJO-SMS; 1:14-cv-00467-AWI-SAB; 1:14-cv-00509-LJO-SAB;
7 1:14-cv-00510-LJO-GSA; 1:14-cv-00597-LJO-GSA; 1:15-cv-00269-AWI-JLT; 1:15-cv-00741-LJO-
8 MJS; 2:13-cv-01254-EFB; 2:13-cv-02215-AC)

9 Also, he has filed 29 cases since 2013 complaining about the conditions of his confinement.
10 Of these, two remain active (case numbers:1:13-cv-00762-DLB; 1:14-cv-00041-AWI-SAB) and the
11 rest have been closed. (case numbers: 1:13-cv-00726-LJO-DLB; 1:13-cv-00761-MJS; 1:13-cv-01056-
12 AWI-BAM; 1:13-cv-01078-LJO-MJS; 1:13-cv-01511-AWI-MJS; 1:13-cv-01736-AWI-MJS; 1:13-cv-
13 01755-MJS; 1:14-cv-00042-AWI-JLT; 1:14-cv-00274-LJO-GSA; 1:14-cv-00275-LJO-MJS; 1:14-cv-
14 00278-AWI-SAB; 1:14-cv-00351-LJO-SAB; 1:14-cv-00361-AWI-GSA; 1:14-cv-00748-DLB; 1:14-
15 cv-00874-AWI-BAM; 1:14-cv-00905-AWI-GSA; 1:14-cv-01439-AWI-SKO; 1:14-cv-01560-LJO-
16 MJS; 1:15-cv-00344-AWI-DLB; 1:15-cv-01181-AWI-GSA; 1:15-cv-01182-LJO-GSA; 1:15-cv-
17 01245-LJO-DLB; 2:13-cv-02212-CKD; 2:13-cv-02214-AC; 2:15-cv-00024-EFB; 2:15-cv-00025-
18 MCE-AC; 1:15-cv-01245-LJO-DLB.)

19 Petitioner is advised that this District is one of the busiest in the entire federal system. The
20 District Judges carry caseloads that are higher—in some cases three times higher—than in most every
21 other court in the entire nation. The fact that litigants—like Petitioner—often file an excessive
22 number of cases, means that the Court’s judicial resources are stretched to their very limits. Thus,
23 while the Court will work diligently to decide Petitioner’s matter as quickly as possible, it must decide
24 the cases in the order in which they are fully briefed and ready for decision. In this instance,
25 Petitioner’s matter will not enter the queue for determination until it is fully briefed. Therefore,
26 Petitioner’s motion to expedite the decision on his petition for writ of habeas corpus (Doc. 42) is
27 **DENIED.**

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Based upon the foregoing, the Court **ORDERS:**

1. The motion for assistance with service of the petition (Doc. 32) is **DENIED** as **MOOT**;
2. The motion to expedite a decision on his petition for writ of habeas corpus (Doc. 42) is **DENIED**.

IT IS SO ORDERED.

Dated: September 22, 2015

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE