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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES A. FORDJOUR,

Petitioner,

No. CIV S-09-1923 GEB GGH P

vs.

ERIC H. HOLDER, JR., et al.,

Respondents.

ORDER

_____/

Petitioner has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. By Order, filed on July 29, 2009, this court directed a response from petitioner. On the same day that order issued, petitioner’s “emergency motion to consolidate” his pending cases, CIV-S-09-1800 JAM EFB, was entered in the docket.¹ Petitioner has subsequently repeated that request. While a determination of whether or not cases should be consolidated rests with the assigned judges in an earlier filed case, this court’s review of the prior filed case, CIV-S-09-1800 JAM EFB, indicates that petitioner therein also challenges his indefinite detention as illegal and unconstitutional; thus, petitioner must show cause why the instant petition should not be dismissed as duplicative.

¹ The “emergency motion” was deemed filed as of July 28, 2009, but the docket text entry indicates the motion was not entered in the docket until July 29, 2009.

1 Accordingly, IT IS ORDERED that:

2 1. To the extent that the Order, filed on July 29, 2009 (docket # 8), directed
3 respondent to file a response to the petition within 30 days (and any subsequent traverse by
4 petitioner), it is hereby VACATED without prejudice; and

5 2. Petitioner must show cause, within ten (10) days, why this petition should not
6 be dismissed as duplicative of Case No. 2:09-cv-1800 JAM EFB; failure to comply with this order
7 will result in dismissal of this action.

8 DATED: August 21, 2009

/s/ Gregory G. Hollows

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10 _____
GREGORY G. HOLLOWS
UNITED STATES MAGISTRATE JUDGE

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