

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 10-81117-CIV-MIDDLEBROOKS
MAGISTRATE JUDGE P. A. WHITE

GARY HAGGINS, JR.,	:	
	:	
Movant,	:	
	:	
v.	:	<u>REPORT OF</u>
	:	<u>MAGISTRATE JUDGE</u>
UNITED STATES OF AMERICA,	:	(DE#7)
	:	
Respondent.	:	

The pro-se movant, Gary Haggins, filed a motion to vacate in Case No. 10-81117-Civ-Middlebrooks, attacking his conviction in Case No. 08-80094-Cr-Middlebrooks. This Cause is before the Court upon the government’s motion for consolidation (DE#7), and review of the motion to vacate.

The movant filed a prior motion to vacate, attacking this same criminal conviction, assigned Case No. 10-81098-Civ-Middlebrooks. That motion is pending in this Court. The government has moved to consolidate this case with the movant’s prior motion to vacate. Upon review of the government’s motion, it appears that rather than consolidate the two motions, this case should be dismissed as duplicative of Case No. 10-81098-Civ-Middlebrooks.

It is therefore recommended as follows:

1. The government’s motion for consolidation (DE#7) be denied.
2. This higher numbered case be dismissed as duplicative.

3. The movant be permitted to amend his motion to vacate in Case no. 10-81098-Civ-Middlebrooks, if he wishes to add any additional claims. This is not a waiver of any applicable procedural bar.

Objections to this Report may be filed within fourteen days following receipt.

Dated this 4th day of October, 2010.



UNITED STATES MAGISTRATE JUDGE

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