

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

WASEEM DAKER,

Petitioner,

v.

MARTY ALLEN, WARDEN,

Respondent.

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CV 417-106

O R D E R

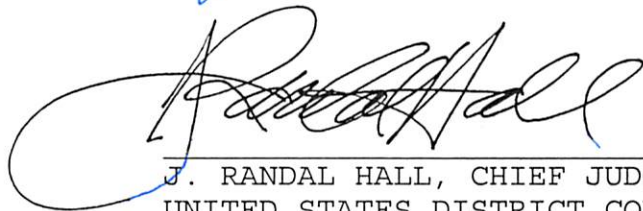
Petitioner filed this action pursuant to 28 U.S.C. § 2254 challenging his confinement in administrative segregation. (Doc. no. 1.) Adopting the Magistrate Judge's Report and Recommendation, the Court dismissed this case with prejudice, and Petitioner now moves for reconsideration. (Doc. nos. 14, 15, 16, 21.) Petitioner filed a Notice of Appeal after seeking reconsideration, and the Notice does not become effective until issuance of this Order. See Fed. R. App. P. 4(a)(4).

The petition challenges Disciplinary Reports that are allegedly "part of an ongoing policy and custom" to keep Petitioner in segregation. Petitioner has five additional cases pending that challenge his segregation, which are based on other Disciplinary Reports he claims to be part of the same policy and custom. All five of those cases are pending before U.S. Magistrate Judge R. Stan Baker, three of which he allowed to

proceed after screening and two of which were consolidated. See Daker v. Allen, CV 617-023 (S.D. Ga. Feb. 3, 2017) (lead case); Daker v. Allen, CV 617-090 (S.D. Ga. July 3, 2017) (consolidated with CV 617-023); Daker v. Allen, CV 618-019 (S.D. Ga. Oct. 23, 2017) (recommendation for consolidation with CV 617-023 pending); see also Daker v. Allen, CV 618-020 (S.D. Ga. Jan. 16, 2018); Daker v. Allen, CV 618-040 (S.D. Ga. Apr. 9, 2018).

As a matter of consistency, the Court **GRANTS** the reconsideration motions, **VACATES** the February 16, 2018 Adoption Order and Judgment, (doc. nos. 12, 13), and **RE-OPENS** this case. The Court **DIRECTS** the **CLERK** to assign Judge Baker as the referral judge. After the Court regains jurisdiction, either by way of Petitioner withdrawing his appeal or the Eleventh Circuit issuing a decision and remanding, the Court will consider what portions of the petition state a valid habeas claim and what portions merely challenge conditions of confinement. The Court will also consider Petitioner's motion to consolidate all six cases. (See doc. no. 23.)

SO ORDERED this 18th day of July, 2018.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA