UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

MARCUS RAYDEVAN WILLIAMS,

Petitioner,

v.

CASE NO. 08-12182 HON. PATRICK J. DUGGAN

MILLICENT WARREN,

Respondent.

At a session of said Court, held in the U.S. District Courthouse, Eastern District of Michigan on May 11, 2009.

PRESENT: THE HONORABLE PATRICK J. DUGGAN U.S. DISTRICT COURT JUDGE

ORDER GRANTING PETITIONER'S MOTION TO DISMISS OR TO STRIKE HIS HABEAS PETITION AND TO ENLARGE THE TIME FOR FILING A REPLY

Petitioner Marcus Williams ("Petitioner") has filed two *pro se* habeas corpus petitions under 28 U.S.C. § 2254. The Court, however, has electronically filed both petitions in the above-captioned matter as one pleading. (*See* Doc. 1.) In one petition, which identifies Petitioner as Marcus Raydevan Williams, Petitioner asserts ten grounds for relief and names Millicent Warren as the respondent (hereafter "Marcus Raydevan petition"). (*See id.* at 13-43.) In the other petition, in which Petitioner is identified as Marcus R. Williams, Petitioner asserts four grounds for relief and names S. Taylor as the respondent (hereafter "Marcus R. petition"). (See id. at 44-75.)

Currently pending before the Court is Petitioner's motion to dismiss or to strike the Marcus Raydevan petition. Petitioner asserts that this petition contains exhausted and unexhausted claims, whereas the Marcus R petition includes only his exhausted claims. Petitioner further seeks to amend the Marcus R petition to name Millicent Warren, his current custodian, as the respondent. Lastly, Petitioner seeks additional time to file a reply to Respondent's answer to the habeas petition.

The Court **GRANTS** Petitioner's request to strike the Marcus Raydevan petition and therefore strikes pages 13-43 of Docket No. 1. It appears to the Court that there is no need for Respondent to file a separate answer to the Marcus R petition, even though Respondent's current answer focuses on the Marcus Raydevan petition, because the ten claims asserted in that petition include the four claims Petitioner asserts in his Marcus R petition. To the extent Respondent disagrees, and wishes to file an amended answer, it should inform the Court and Petitioner by filing a letter within ten (10) days of this Order.¹

The Court further **GRANTS** Petitioner's request to amend the caption of the petition to name Millicent Warren as the respondent. Finally, the Court **GRANTS** Petitioner's request for additional time to reply to Respondent's answer. Unless

¹If Respondent informs the Court that she wishes to file an amended answer, the Court will issue an order indicating a deadline for this filing and a new deadline for Petitioner to file a reply. If Respondent does not so inform the Court, the deadline imposed *supra* for Petitioner's reply applies.

Respondent files an amended answer, Petitioner must file any reply within twenty (20)

days of this Order. See note 1.

SO ORDERED.

<u>s/PATRICK J. DUGGAN</u> UNITED STATES DISTRICT JUDGE

Marcus Williams, #439924 Standish Maximum Correctional Facility 4713 West M-61 Standish, MI 48658

Laura Cook. Esq.