

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

STEVEN ALLEN THOMASON, #376662,

Petitioner,

Civil No. 2:09-11012
Honorable Gerald E. Rosen

v.

NICK LUDWICK,

Respondent.

**OPINION AND ORDER DENYING PETITIONER'S "MOTION TO REINSTATE
MOTIONS PREVIOUSLY ADJUDICATED WITHOUT PREJUDICE" [dkt. #37]**

Petitioner Steven Allen Thomason filed a pro se petition for writ of habeas corpus pursuant to 28 U.S.C. §2254. He was convicted in Oakland County Circuit Court of second-degree criminal sexual conduct, MICH. COMP. LAWS §750.520c(1)(a). Petitioner is presently incarcerated at Mid-Michigan Correctional Facility in St. Louis, Michigan. He was sentenced to four years nine months to fifteen years' imprisonment. Pending before the Court is Petitioner's "Motion to Reinstate Motions Previously Adjudicated Without Prejudice" [dkt. #37]. For the reasons that follow, the Court will deny the motion.

On June 19, 2009, this Court issued an order disposing of eleven motions filed by Petitioner. The motions sought discovery, early consideration of Petitioner's substantive claims, release on bond, an evidentiary hearing, and a writ of mandamus. The Court concluded that most of the arguments contained in the motions were being raised prematurely. Subsequently, Respondent filed a motion to dismiss the petition on exhaustion grounds, and Petitioner responded by filing an amended petition that deleted

his unexhausted claims. The amended petition was filed on March 3, 2011, and an answer was filed by Respondent on April 15, 2011.

Petitioner's present motion requests the Court to reconsider his prior motions before the Court considers the amended petition on the merits. This case has been pending since March 18, 2009. It is not in the interest of justice to further delay adjudication of the case by allowing the sort of piece-meal litigation suggested in Petitioner's prior motions. The Court will address the issues denied without prejudice in Petitioner's prior motions when it considers the case. Accordingly,

IT IS ORDERED that Petitioner's "Motion to Reinstate Motions Previously Adjudicated Without Prejudice" [dkt. #37] is **DENIED**.

SO ORDERED.

s/Gerald E. Rosen
Chief Judge, United States District Court

Dated: May 13, 2011

I hereby certify that a copy of the foregoing document was served upon counsel of record on May 13, 2011, by electronic mail and upon Steven Thomason, ##376662, Mid-Michigan Correctional Facility, 8201 N. Croswell Road, St. Louis, MI 8880 by ordinary mail.

s/Ruth A. Gunther
Case Manager