

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ANTWAN RAYSHON WILLIAMS,

Petitioner,

v.

Civil No. 2:17-CV-11429
HONORABLE ARTHUR J. TARNOW
UNITED STATES DISTRICT JUDGE

SHAWN BREWER,

Respondent,

**OPINION AND ORDER RE-ASSIGNING PETITION FOR WRIT OF HABEAS
CORPUS AS A COMPANION CASE TO CASE NO. 2:17-CV-11146, DIRECTING
THE CLERK OF THE COURT TO RE-FILE THE PLEADINGS IN CASE NO.
2:17-CV-11429 UNDER CASE NO. 2:17-CV-11146, AND DISMISSING THE
CURRENT PETITION AS DUPLICATIVE**

Antwan Rayshon Williams, ("Petitioner"), confined at the Cotton Correctional Facility in Jackson, Michigan, filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging his conviction out of the Oakland County Circuit Court for first-degree premeditated murder, M.C.L.A. 750.316; felonious assault, M.C.L.A. 750.82, and two counts of felony-firearm, M.C.L.A. 750.227b.

Petitioner previously filed a petition for writ of habeas corpus challenging these convictions, which remains pending before Judge Mark A. Goldsmith. *See Williams v. Brewer*, No. 2:17-CV-11146. A decision has not yet been rendered in that case.

Petitioner's current petition seeks habeas relief from the convictions that he challenges in his case before Judge Goldsmith. Petitioner may, in fact, be attempting to

file the actual petition for writ of habeas corpus in his pending case before Judge Goldsmith because his initial document filed in that case was a motion for an extension of time to file a petition for writ of habeas corpus.

The Court orders that the petition for writ of habeas corpus be re-assigned as a companion case to petitioner's previously filed habeas petition in Case No. 2:17-CV-11146. The Court dismisses the current petition as duplicative of that petition. The Court orders that the pleadings filed in Case No. 2:17-CV-11429 be re-filed by the Clerk of the Court under Case Docket No. 2:17-CV-11146.

Eastern District of Michigan Local Rule 83.11 governs the re-assignment of companion cases, stating that “[c]ompanion cases are those in which it appears that: (i) substantially similar evidence will be offered at trial, or (ii) the same or related parties are present, and the cases arise out of the same transaction or occurrence.” U.S. Dist.Ct. Rules, E.D. Mich. LR 83.11(b)(7). *See also Sims-Eiland v. Detroit Bd. of Educ.*, 184 F.R.D. 268, 269, n. 1 (E.D. Mich. 1999). Also, in the interests of time and judicial economy, petitioner's two habeas applications should be consolidated into one action pursuant to Fed.R.Civ. P. 42. *See Bernal v. Helman*, 958 F. Supp. 349, 351-52 (N.D. Ill. 1997). The Court re-assigns Case No. 2:17-CV-11429 to Case No. 2:17-CV-1146. The Court also orders that the pleadings filed in this case be re-filed in Case No. 2:17-CV-11146. The Court dismisses Case No. 2:17-CV-11429, because it is duplicative of Case No. 2:17-CV-11146. A suit is duplicative, and thus subject to dismissal, if the claims, parties, and available relief do not significantly differ between the

two actions. *See Barapind v. Reno*, 72 F. Supp. 2d 1132, 1145 (E.D. Cal. 1999)(internal citations omitted). Petitioner's current habeas petition is subject to dismissal as being duplicative of his still pending first habeas petition, because both cases seek the same relief. *Id.*; *See also Davis v. U.S. Parole Com'n*, 870 F. 2d 657 (Table), No. 1989 WL 25837, * 1 (6th Cir. Mar. 7, 1989)(district court can properly dismiss a habeas petition as being duplicative of a pending habeas petition, where the district court finds that the instant petition is essentially the same as the earlier petition); *Christy v. Lafler*, No. 2005 WL 3465844, * 1 (E.D. Mich. Dec. 19, 2005)(same).

ORDER

The Clerk of the Court is **ORDERED** to close Case No. 2:17-CV-11429 and re-assign the case as a companion case to *Williams v. Brewer*, U.S.D.C. No. 2:17-CV-11146. The Clerk of Court shall re-file in Case Docket No. 2:17-CV-11146 the docket entries from Case Docket No. 2:17-CV-11429.

s/Arthur J. Tarnow
HON. ARTHUR J. TARNOW
UNITED STATES DISTRICT JUDGE

DATED: May 17, 2017

Certificate of Service

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF system to their respective email or First Class U.S. Mail addresses disclosed on the Notice of Electronic Filing on May 17, 2017.

s/Teresa McGovern
Case Manager Generalist