

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

EMMANUEL S. YANGA,)	
)	
Petitioner,)	4:18CV3009
)	
v.)	
)	
STATE OF NEBRASKA, and DIR.)	MEMORANDUM AND ORDER
SCOTT FRAKES, (Warden))	
Madison,)	
)	
Respondents.)	
_____)	

This case comes on for initial review of a habeas corpus petition. However, because the judgments of conviction attacked involve two separate courts—one being the County Court of Lancaster County, Nebraska (county court # CR 14-1708, appeal to district court # CR 15-552 and appeal to the Nebraska Court of Appeals # A-17-728) and the other being the District Court of Lancaster County, Nebraska (district court #CR14-1382 and appeal to the Nebraska Court of Appeals #A-17-655), the petition is improper.

[Rule 2\(e\)](#) of the Rules Governing Section 2254 Cases in the United States District Courts states: “A petitioner who seeks relief from judgments of more than one state court must file a separate petition covering the judgment or judgments of each court.”

Therefore, Petitioner must start over. In this case (4:18CV3009) he must file an amended petition attacking only one state case. He can choose either case. He may at the same time file a second separate petition attacking the other state case. Since he has been allowed to proceed in forma pauperis here, he will be allowed to proceed in forma pauperis when he files the new habeas case.

IT IS ORDERED that:

1. Petitioner shall file an amended petition in this case attacking only one of the separate state convictions and he shall file a new petition in a separate federal case attacking the other separate state conviction. Each petition should attack only one of the state convictions.
2. Petitioner is allowed to proceed in forma pauperis in both federal cases—this one and the new case yet to be filed.
3. Petitioner must file the amended petition in this case and the new petition no later than March 6, 2018. That means the documents must be received by the Clerk of Court on or before that date and the prison mail box rule will not otherwise apply.
4. The Clerk shall mail two copies of the habeas corpus petition forms to the Petitioner.
5. My chambers shall call this matter to my attention on March 7, 2018.

DATED this 5th day of February, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge