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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ROBERT HOLMES III,  
Petitioner,  
vs.  
BRIAN WILLIAMS, et al.,  
Respondents.

Case No. 2:12-CV-00013-JCM-(GWF)

**ORDER**

A notice of appeal (#6) has been filed in this action. However, it should have been filed in Inmates of CCA/Southern Detention Center, et al., v. CCA/of Southern Nevada Detention Center, et al., Case No. 2:12-CV-00133-KJD-(VCF), but the plaintiffs in the other action put an incorrect case number on their notice of appeal.

The court of appeals has issued a notice (#8) that it will not set a briefing schedule until this court, or the court of appeals, has determined whether a certificate of appealability should issue. This court will not issue a certificate of appealability because petitioner actually has not appealed anything. Petitioner should not take this order as any sort of decision on his petition for a writ of habeas corpus. The court is simply correcting an error caused by parties in an unrelated action.

The court will not transfer the notice of appeal (#6) to Inmates of CCA because a notice of appeal already has been docketed in that action. For reasons not apparent, the plaintiffs decided to file a second notice of appeal.

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IT IS THEREFORE ORDERED that a certificate of appealability is **DENIED**.

DATED April 6, 2012.

  
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JAMES C. MAHAN  
United States District Judge