

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

8 DEBARON SANDERS,

9 || Petitioner,

2:14-cv-01966-JCM-NJK

10 | vs.

ORDER

11 BRIAN WILLIAMS, SR., *et al.*,

12 Respondents.

15 Nevada prisoner Debaron Sanders initiated this habeas corpus action on November 25, 2014.

16 The court granted Sanders leave to proceed *in forma pauperis* on May 14, 2015 (ECF No. 5), and
17 ordered the petition served on respondents.

18 In the May 14, 2015, order, the court took judicial notice of the proceedings in case number
19 2:14-cv-01068-JAD-GWF in this court, another habeas action filed previously by Sanders. That
20 action was opened on June 30, 2014, but was dismissed without prejudice on July 2, 2014, on
21 account of the petitioner’s failure to pay the filing fee or submit a proper application to proceed
22 *in forma pauperis*. Petitioner filed a motion for reconsideration in that action, asking the court to
23 vacate the order dismissing the action. *See* Motion for Reconsideration, ECF No. 4 in case number
24 2:14-cv-01068-JAD-GWF. In order to prevent duplicative litigation, the court did not, in its May 14
25 order, require respondents to respond to the habeas petition in this action pending the court’s ruling
26 on the motion for reconsideration in case number 2:14-cv-01068-JAD-GWF.

1 The court denied the motion for reconsideration in case number 2:14-cv-01068-JAD-GWF
2 on September 8, 2015 (ECF No. 12). That action is closed.

3 Therefore, the court will now, in this action, set a schedule for respondents to respond to
4 Sanders' habeas petition, and for other further proceedings.

5 On August 13, 2015, Sanders filed a "Motion to Combine Habeas Cases" (ECF No. 8),
6 requesting that this case be consolidated with case number 2:14-cv-01068-JAD-GWF. As case
7 number 2:14-cv-01068-JAD-GWF has now been dismissed, Sanders' motion is moot, and it will be
8 denied on that basis.

9 **IT IS THEREFORE ORDERED** that petitioner's motion to combine habeas cases
10 (ECF No. 8) is **DENIED**.

11 **IT IS FURTHER ORDERED** that respondents shall have **45 days** from the date of this
12 order to answer or otherwise respond to the habeas corpus petition. If respondents file an answer,
13 petitioner shall then have 45 days to file a reply. If respondents file a motion to dismiss, petitioner
14 shall then have 45 days to file a response to the motion to dismiss, and then respondents shall have
15 20 days to file a reply in support of that motion.

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17 Dated September 17, 2015.

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20 UNITED STATES DISTRICT JUDGE

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