

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Douglas Harry Warenback,

Petitioner

v.

Brian Williams, et al.,

Respondents

Case No.: 2:17-cv-02834-JAD-VCF

**Order**

[ECF Nos. 8, 9]

In November, I dismissed this case because petitioner Douglas Warenback already has a habeas petition pending in case no. 2:15-cv-01789-APG-VCF, and he had not asked the Ninth Circuit for leave to file an additional petition.<sup>1</sup> In response, Warenback filed a “request to transfer petition and close this case.”<sup>2</sup> In it, he acknowledges that this case is moot and should be closed, but he asks that I “transfer” the petition he filed in this case to his 2015 action because “the petition filed in this case is more clearly written and [its] attachments are more clearly written.”<sup>3</sup>

The court has no mechanism to “transfer” this petition to the case pending before Judge Gordon and make it the new operative petition in that case. If Warenback desires to improve upon his petition in the 2015 action, the proper avenue to obtain that relief is to move in that case to amend the petition. Indeed, since I dismissed this petition, Warenback has filed two motions to amend in the 2015 case, and Judge Gordon has issued rulings on those motions.<sup>4</sup> And because

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<sup>1</sup> ECF No. 5.

<sup>2</sup> ECF Nos. 8, 9.

<sup>3</sup> ECF No. 8 at 2.

<sup>4</sup> See 2:15-cv-01789-APG-VCF, ECF Nos. 62, 66, 68, 69, 77.

1 I already closed this case when I dismissed it in November, Warenback does not need further  
2 order of the court to close it.

3           Accordingly, IT IS HEREBY ORDERED that Warenback's requests to transfer petition  
4 and close this case [ECF Nos. 8, 9] are DENIED. This case remains closed.

5           Dated: July 24, 2018.



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U.S. District Judge Jennifer A. Dorsey