

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Saad Moussa

v.

Civil No. 12-cv-014-SM

Warden, New Hampshire State Prison

Saad Moussa

v.

Civil No. 12-cv-015-JL

Warden, New Hampshire State Prison

O R D E R

Pending before the court are two federal habeas petitions, filed simultaneously by Saad Moussa and docketed as two separate actions, as captioned above. For the reasons that follow, the court orders that the cases be consolidated, unless Moussa files an objection to consolidation within fourteen days.

Saad Moussa was convicted after a jury trial of six offenses, including five counts of stalking and one count of witness tampering. All the offenses concerned crimes alleged to have been committed against Moussa's wife. The charges were prosecuted in a single jury trial.

Moussa has now filed two habeas petitions in this court. The first, docketed as 12-cv-14-SM, challenges three stalking offenses. The second, docketed as 12-cv-15-JL, challenges one

stalking charge and the witness tampering charge.¹ Moussa raises different claims in each petition, but all of the claims in both petitions arise out of the same criminal prosecution and the same state court record. The petitions are therefore related and should be consolidated for all purposes. See Fed. R. Civ. P. 42(a)(2) (authorizing consolidation of actions involving common question of law or fact); United States District Court District of New Hampshire Local Rule ("LR") 42.1(c) (authorizing court to enter an initial order to consolidate related cases, subject to objection).

Accordingly, unless Moussa files an objection within fourteen days of the date of this order, these petitions shall be consolidated into the first-docketed petition, Moussa v. Warden, New Hampshire State Prison, 10-cv-14-SM, and an order consolidating the petitions, for all purposes, shall issue.

Any objection or other response to this order filed by Moussa must include the docket numbers for both cases in the

¹Moussa previously filed a federal habeas petition in this court challenging a different misdemeanor stalking charge. See Moussa v. N.H. State Prison, No. 10-cv-31-SM (D.N.H. filed Jan. 28, 2010). That habeas petition was dismissed for lack of jurisdiction, as Moussa failed to demonstrate that he was in custody pursuant to the challenged conviction. See Moussa v. N.H. State Prison, No. 10-cv-31-SM, 2010 WL 2465558 (D.N.H. June 14, 2010) (order approving report and recommendation, 2010 WL 2465557 (D.N.H. May 25, 2010), and dismissing petition).

caption, and shall be filed in each of the above-referenced cases. This order shall also be docketed in each case.

SO ORDERED.

A handwritten signature in black ink, appearing to be 'L. McCafferty', is written over a horizontal line. The signature is stylized and cursive.

Landya McCafferty
United States Magistrate Judge

Date: March 6, 2012

cc: Saad Moussa, pro se

LBM:jba