

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOHN E. CHEN,

Petitioner,

- against -

WARDEN, MDC BROOKLYN,

Respondent.

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ROSLYNN R. MAUSKOPF, United States District Judge.

On August 31, 2012, and September 21, 2012, petitioner proceeding *pro se*, filed these two petitions for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, alleging that prison officials improperly and repeatedly opened his legal mail. Petitioner alleges that although the envelopes indicated the words “attorney/ legal mail do not open unless in the presence of inmate,” prison officials opened his legal mail. Petitioner also filed a motion for a temporary injunction to prevent prison officials from opening his legal mail outside of his presence. *See Chen v. Warden*, 12-CV-4772.

As the two petitions involve the same questions of law and fact, the same respondent, and will require the same evidence, the two petitions are hereby consolidated.

ORDER TO CONSOLIDATE
PETITIONS AND SHOW
CAUSE

12-CV-4658 (RRM)(LB)

12-CV-4772 (RRM)(LB)

CONCLUSION

It is hereby ORDERED that:

- (1) the Clerk of Court shall consolidate the above-captioned petitions under docket number 12-CV-4772; and the Clerk of Court shall close the case with docket number 12-CV-4658, and direct that any further filings in both cases be made to 12-CV-4772;
- (2) petitioner's application to proceed *in forma pauperis* is granted in 12-CV-4772;
- (3) the Office of the United States Attorney show cause before this Court by filing a response to the petitions pursuant to the Court's Order dated October 26, 2012;
- (4) petitioner, shall file his reply, if any, within thirty (30) days of his receipt of the response;
- (5) petitioner's motion for a temporary injunction is denied without prejudice; and
- (6) the Clerk of Court shall mail a copy of this Order to plaintiff and note the mailing on the docket.

SO ORDERED.

Dated: Brooklyn, New York
November 5, 2012

Roslynn R. Mauskopf

ROSLYNN R. MAUSKOPF
United States District Judge