

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

SHEA SAENGER, et al.,

Defendants.

CASE NO. C11-1252RAJ

ORDER CONSOLIDATING CASE
WITH CASE NO. C12-159RAJ

This matter comes before the court on the United States motion to reopen this case (Dkt. # 18) and its motion (Dkt. # 19) to consolidate this case with Case No. C12-159RAJ.

On January 23, 2012, the clerk issued a minute order requiring the United States to file a verified civil forfeiture complaint no later than January 27, 2012. For reasons the United States does not explain, the United States chose to file its verified complaint as a new lawsuit, rather than filing the amended complaint in this case. For reasons the United States does not explain, it did not notify this court of its decision. It merely designated the new case, which was assigned Case No. C12-159, as related to this one. The new case was randomly assigned to the Honorable Robert S. Lasnik.

On February 9, 2012, still having received no notification from the United States, the court dismissed this case without prejudice for failure to prosecute. That led the United States to move to reopen this case, and to consolidate it with the new case. It

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1 appears that the only reason the United States did so was so that it could request that the
2 court extend the preliminary injunction it had previously imposed. The United States
3 does not explain why it believed that it could or should file a new case and somehow
4 “transfer” the court’s preliminary injunction in this case to apply to the new one.

5 Judge Lasnik reassigned the new case to the undersigned judge on February 14,
6 2012.

7 The court orders as follows:

- 8 1) The clerk shall REOPEN this case.
- 9 2) The clerk shall CONSOLIDATE this case with Case No. C12-159RAJ. Case
10 No. C12-159RAJ shall be the lead case, and Case No. C11-1252RAJ shall be
11 the member case. The consolidated case shall bear the case number “C12-
12 159RAJ (consolidated with C11-1252RAJ).”
- 13 3) No party shall file any further documents of any kind in Case No. C11-1252.
- 14 4) The court’s preliminary injunction, issued September 23, 2011 (Case No. C11-
15 1252RAJ, Dkt. # 13) is reinstated, and shall bind the parties in this
16 consolidated case until the court orders otherwise.
- 17 5) The clerk shall TERMINATE all pending motions in Case No. C11-1252RAJ.
- 18 6) The clerk shall post this order on the docket of both Case No. C11-1252RAJ
19 and No. C12-159RAJ.

20 Dated this 3rd day of April, 2012.

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24 The Honorable Richard A. Jones
25 United States District Court Judge
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