

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

IVAN MITCHELL,

Petitioner,

v.

MICHAEL THURMER,

Respondent.

ORDER

10-cv-446-bbc

IVAN MITCHELL,

Petitioner,

v.

MICHAEL THURMER,

Respondent.

ORDER

10-cv-462-bbc

Petitioner Ivan Mitchell has two pending petitions for a writ of habeas corpus under 28 U.S.C. § 2254. The first, case no. 10-cv-446-bbc, was submitted on August 12, 2010, by petitioner's lawyer, Rex R. Anderegg. The second, case no. 10-cv-462-bbc, was submitted on August 16, 2010 directly by petitioner, and discusses the same issues raised in the first

petition. Now petitioner has submitted a motion asking the court to disregard the second, pro se petition and return to petitioner the \$5 filing fee he submitted along with the second petition. Because these two similar petitions appear to have been the result of miscommunication between petitioner and his lawyer, I will grant petitioner's request. Accordingly, IT IS ORDERED that case no. 10-cv-462-bbc is DISMISSED without prejudice and the clerk of court is directed to return the petition to petitioner, along with the \$5 filing fee.

Entered this 24th day of August, 2010.

BY THE COURT:
/s/
BARBARA B. CRABB
District Judge