

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

TIMOTHY G. WHITEAGLE,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Respondent.

ORDER

15-cv-390-wmc

15-cv-449-wmc

11-cr-65-wmc

On May 9, 2015, Petitioner Timothy G. Whiteagle filed a *pro se* motion for relief pursuant to 28 U.S.C. § 2241 in the District of Minnesota. That motion purports to challenge this court's exercise of jurisdiction to over him at the time of his underlying federal conviction and sentence in the Western District of Wisconsin. The District of Minnesota construed Whiteagle's motion as brought under 28 U.S.C. § 2255 and transferred that matter to this court on June 25, 2015. (Case No. 15-cv-390, dkts. #7, #9.) On July 20, 2015, petitioner also filed a separate § 2255 motion in this court challenging his conviction on multiple grounds, including the same jurisdictional ground raised in the transferred case. (Case No. 15-cv-449, dkt. #1.)

The Federal Rules of Civil Procedure may be applied to a § 2255 proceeding unless inconsistent with the Rules for Section 2255 Proceedings. *See* Rule 12 of the Rules Governing Section 2255 Proceedings. Under Fed. R. Civ. P. 42(a), actions may be consolidated if they have a common question of law or fact. Here, petitioner's pending actions both seek to attack petitioner's single, underlying conviction and sentence in

Case No. 11-cr-65. Both also argue the issue of jurisdiction. Accordingly, petitioner's motions for relief will be consolidated.

ORDER

IT IS ORDERED that Case No. 15-cv-390 and Case No. 15-cv-449 shall be consolidated. Going forward all papers shall be filed and docketed only in Case No. 15-cv-449.

Entered this 14th day of October, 2015.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge