

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

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|------------------------------|---|------------------------------|
| JOHNNY JESSE NEWMAN, |) | |
| |) | |
| Petitioner, |) | |
| |) | |
| v. |) | CIVIL ACT. NO. 1:10CV811-MHT |
| |) | (WO) |
| GARY HETZEL, <i>et al.</i> , |) | |
| |) | |
| Respondents. |) | |

ORDER

On September 24, 2010, Johnny Jesse Newman filed a petition for writ of habeas corpus in which he raises several claims, including an independent claim of actual innocence based on his mental incompetence. On November 29, 2010, the Respondents filed a response and evidentiary materials in support of their contention that the petitioner’s claims are defaulted, barred by the statute of limitations, or without merit. The attached documentation, however, does not include the records and transcript from the petitioner’s criminal trial in 1992 or the state court record from his third state post-conviction petition filed on July 13, 2006, in which he raised a claim of mental incompetence. Accordingly, it is

ORDERED that on or before December 22, 2011, the Respondents shall provide a copy of the records from the petitioner’s criminal trial, including the trial transcript and any mental health records, as well as the record from his third state post-conviction petition.

DONE, this 13th day of December, 2011.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
CHIEF UNITED STATES MAGISTRATE JUDGE