

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

JOHN MARK WHITTEN, #179726,)	
)	
Petitioner,)	
)	
v.)	CIVIL ACTION NO. 3:09-CV-201-TMH
)	[WO]
)	
)	
FREDDIE BUTLER, et al.,)	
)	
Respondents.)	

ORDER ON MOTION

Upon consideration of the motion for discovery filed by the petitioner on April 29, 2009 (Court Doc. No. 13), and for good cause, it is

ORDERED that this motion be and is hereby DENIED. The court notes that the documents sought by the petitioner are equally accessible by him and are not necessary to the disposition of this case as such do not constitute new, reliable evidence of actual innocence.

Done this 1st day of May, 2009.

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