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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

David Martinez Ramirez,)	No. CV-97-1331-PHX-JAT
Petitioner,)	<u>DEATH PENALTY CASE</u>
vs.)	
Charles L. Ryan, et al.,)	ORDER
Respondents.)	

Pursuant to FED.R.CIV.P. 52(b) and 59(e), Petitioner moves the Court to expand his state court record to include corrected reporter’s transcripts from his mental retardation proceedings conducted in Maricopa County Superior Court in 2005-06. (Doc. 244.) Respondents do not oppose Petitioner’s motion so long as the filing of corrected transcripts complies with the state court’s previously issued order (*see* Doc. 228 at 4551, ordering the preparation of corrected transcripts based on the corrections listed at 4422-4453). (Doc. 244 at 3.) Petitioner further requests the Court stay these habeas proceedings until all of the corrected transcripts have been filed. (Doc. 244 at 3.)

A stay is unnecessary. As agreed to by Respondents, Petitioner may file the corrected transcripts as they become available from the state court reporter and they will be substituted for the transcripts previously filed.

Accordingly,

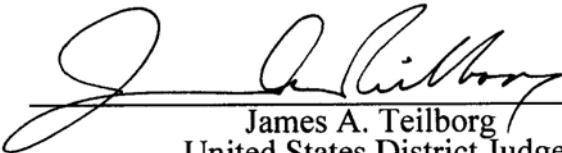
IT IS HEREBY ORDERED granting, in part, and denying, in part, Petitioner’s motion. (Doc. 244.) The Court grants Petitioner’s motion to expand his state court record

1 with corrected transcripts. The Court expands Petitioner's state court record to include the
2 corrected transcripts attached to this motion, Exhibits A and B. (Doc. 244.)

3 **IT IS FURTHER ORDERED** that, as they become available, Petitioner shall file the
4 corrected transcripts ordered by the state court (*see* Doc. 228 at 4551), and the Court expands
5 Petitioner's state court record to include these corrected transcripts.

6 **IT IS FURTHER ORDERED** that Petitioner's request to stay these proceedings until
7 all corrected transcripts have been filed is **DENIED**. (Doc. 244.)

8 DATED this 4th day of November, 2010.

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13 James A. Teilborg
14 United States District Judge
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