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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Ricky Kurt Wassenaar,

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CIV 09-2444-PHX-JWS (MHB)

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Petitioner,

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**ORDER**

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vs.

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Charles L. Ryan, et al.,

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Respondents.

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Petitioner Ricky Kurt Wassenaar, who is confined under Arizona Department of  
16 Corrections' authority in the Ohio State Penitentiary, has filed a "motion for order instructing  
17 respondent to provide additional transcripts & records" (Doc. 18), "which are referred to, and  
18 quoted from, in [his] Petition for Writ of Habeas Corpus and Reply." In his pleading,  
19 Petitioner also lists three transcripts cited in Respondents' Answer that he has not received.

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The Court first notes that with Respondents' supplemental filing on February 17,  
21 2011, Petitioner has now been provided with all responsive documents. As to Petitioner's  
22 request that Respondents provide him with "additional transcripts & records" he has cited  
23 in his habeas petition and Reply to Respondents' Answer, the Court finds that unlike a  
24 regular civil litigant, a habeas petitioner is not entitled to discovery as a matter of course. See  
25 Bracy v. Gramley, 520 U.S. 899, 904 (1997). Discovery in federal habeas litigation is  
26 governed by Rule 6 of the Rules Governing § 2254 Cases, which provides that discovery is  
27 available only to the extent that the Court, in the exercise of its sound discretion, deems it  
28 appropriate after the petitioner has shown good cause for the requested discovery. The "good  
cause" requirement is met if the habeas petitioner presents specific allegations demonstrating

1 that there is good reason for the Court to believe that the petitioner may, if the facts of his  
2 case are fully developed through discovery, be able to demonstrate that he is entitled to relief.  
3 See id. at 908-09. Here, the Court fails to find good cause, and Respondents simply have no  
4 duty to provide Petitioner with copies of the state court record.

5 Accordingly,

6 **IT IS ORDERED** that Petitioner’s “motion for order instructing respondent to  
7 provide additional transcripts & records” (Doc. 18) is **DENIED**.

8 DATED this 22<sup>nd</sup> day of February, 2011.

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Michelle H. Burns  
United States Magistrate Judge