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

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9 Devon E. Phillips,

No. CV-14-02809-PHX-GMS (ESW)

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Petitioner,

ORDER

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v.

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Arizona, State of, et al.,

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Respondents.

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On December 29, 2014, Petitioner Devon E. Phillips, who was then confined in the Arizona State Prison Complex-Tucson, filed a pro se Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2254. (Doc. 1). In a May 8, 2015 Order, the Court dismissed the Petition with leave to amend. (Doc. 8). On August 26, 2015, Petitioner filed an Amended Petition for Writ of Habeas Corpus. (Doc. 14). The Court ordered Respondents to answer. (Doc. 15). Respondents filed their “Answer to Petition for Writ of Habeas Corpus” on October 19, 2015. (Doc. 19). All issues are joined. Several Motions are pending before the Court.

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DISCUSSION

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1. Request to File Only Relevant Portions of the Record (Doc. 18)

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On September 9, 2015, the Court ordered that “[i]f not limited to affirmative defenses, the answer must fully comply with all of the requirements of Rule 5 of the Rules Governing Section 2254 Cases.” Rule 5, 28 U.S.C. foll. § 2254, requires that

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1 Respondents must attach to their Answer relevant transcripts as well as briefs on appeal
2 and dispositive appellate orders and opinions. Respondents request leave of the Court to
3 file with their Answer only those parts of the state court record deemed relevant by
4 Respondents. Respondents did not file a limited answer. Therefore, the request will be
5 denied.

6 **2. "Order to Show Cost" (Doc. 20)**

7 Petitioner seeks a paper copy of the June 22, 2010 change of plea transcript in his
8 underlying state court proceeding. The document the Petitioner requests is attached as
9 Exhibit G to Respondents' Answer. (Doc. 19-1 at 31- 40). Respondents indicate in their
10 Response to Order to Show "Cost" that a paper copy of the transcript was sent to
11 Petitioner at his Texas address. (Doc. 21). Therefore, Petitioner's "Order to Show Cost"
12 will be denied as moot.

13 **CONCLUSION**

14 For the reasons set forth herein,

15 **IT IS ORDERED** denying Request to File Only Relevant Portions of the Record
16 (Doc. 18). Respondents shall file all documents in compliance with Rule 5, 28 U.S.C.
17 foll. § 2254 no later than **February 5, 2016**. Petitioner may file a reply no later than
18 **March 7, 2016**.

19 **IT IS FURTHER ORDERED** denying as moot "Order to Show Cost" (Doc. 20).

20 Dated this 26th day of January, 2016.

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Eileen S. Willett
United States Magistrate Judge