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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Jon Sidney Solnicka,
10 Petitioner,

11 v.

12 Charles L Ryan, et al.,
13 Respondents.
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No. CV-16-00995-PHX-SPL (ESW)

ORDER

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16 On April 11, 2016, Jon Sidney Solnicka (“Petitioner”) filed a pro se Petition for
17 Writ of Habeas Corpus (Doc. 1) (the “Petition”). By Order of the Court issued May 20,
18 2016 (Doc. 11), a briefing schedule has been set. Pending before the Court is Petitioner’s
19 Motion to Expand or Supplement State Court Record to Include Missing Transcript (28
20 U.S.C. § 2254) (Doc. 13). Petitioner requests that the Court order Respondents to file the
21 August 17, 2012 post-conviction relief evidentiary hearing transcript as part of the
22 applicable record in this case, along with any admitted exhibits from the hearing. In their
23 Response (Doc. 14), Respondents explain in detail their diligent efforts to obtain a copy
24 of the missing transcript. Respondents raise no objection to supplementation of the
25 record with the August 17, 2012 transcript. Respondents do object to the request that
26 they provide copies of documentary exhibits unavailable to Respondents which were
27 introduced by Petitioner himself. No Reply has been filed. Respondents’ Submission of
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1 PCR Evidentiary Hearing Transcript (Re: Docket No. 13) (Doc. 16) was filed on August
2 30, 2016, supplementing the record with the transcript at issue.

3 For good cause shown,

4 **IT IS ORDERED** granting the Motion to Expand or Supplement State Court
5 Record to Include Missing Transcript (28 U.S.C. § 2254) (Doc. 13) as it relates to the
6 transcript of August 17, 2012. The Motion is denied regarding the request for
7 Respondents to file exhibits which are not in the possession of Respondents and were
8 offered by Petitioner.

9 Dated this 31st day of August, 2016.

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Honorable Eileen S. Willett
United States Magistrate Judge