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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Frank Jarvis Atwood, Petitioner, vs. Charles L. Ryan, et al., Respondents.	No. CV-98-116-TUC-JCC DEATH PENALTY CASE **ORDER**

Before the Court is Respondents' Motion for Leave to Issue Subpoena Duces Tecum to Reporter Kristi Tedesco and KVOA Channel 4. (Doc. 458.) The motion states that on September 17, 2013, approximately three weeks before the start of an evidentiary hearing in this case, KVOA Channel 4 aired a portion of a telephonic interview of Petitioner conducted by its reporter, Kristi Tedesco. The motion further states that Petitioner made statements relating to the claims pending before this Court. Based on these assertions, Respondents seek permission to compel KVOA to disclose a complete recording of the interview. Petitioner opposes the motion. (Doc. 461.)

Pursuant to Rule 6 of the Rules Governing Section 2254 Cases, a "judge may, for good cause, authorize a party to conduct discovery under the Federal Rules of Civil Procedure." A party may not "use federal discovery for fishing expeditions to investigate mere speculation." *Calderon v. United States Dist. Court for the Northern Dist. of Cal. (Nicolaus)*, 98 F.3d 1102, 1106 (9th Cir. 1996).

The Court has considered Respondents' motion, Petitioner's response, and

Respondents' reply, and finds no good cause for the requested discovery.

Accordingly,

IT IS HEREBY ORDERED that Respondents' Motion for Leave to Issue Subpoena Duces Tecum to Reporter Kristi Tedesco and KVOA Channel 4 (Doc. 458) is **DENIED**.

DATED this 27th day of September, 2013.

John C. Coughenour
UNITED STATES DISTRICT JUDGE