

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

**MICHAEL D. DUNLAP
ADC #114705**

PETITIONER

V.

CASE NO. 5:10CV00136 JMM/JTR

**RAY HOBBS, Director,
Arkansas Department of Correction**

RESPONDENT

ORDER

Pending is Petitioner's motion to compel, docket # 44, requesting the Court compel the production of a transcript of the closing arguments from his trial. The Court has previously denied Petitioner's request for these documents, docket # 30. As the Court explained in the Order dated February 21, 2012, Petitioner's motion seeks to expand the factual basis for his habeas claim beyond what was developed in the state court proceeding. Petitioner seeks the transcript to support his claim that his trial lawyer was constitutionally ineffective in failing to object to improper remarks made by the prosecutor in closing argument. The Proposed Findings and Recommended Disposition currently before the Court recommends that the Court find that Petitioner procedurally defaulted this claim. Accordingly, Petitioner's request for a copy of the transcript of the closing arguments will be denied.

IT IS SO ORDERED this 18th day of April, 2012.


UNITED STATES DISTRICT JUDGE