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**UNITED STATES DISTRICT COURT**

EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER DUANE BAKKEN,

1:05-cv-1133 OWW DLB HC

Petitioner,

ORDER DENYING PETITIONER’S REQUEST  
FOR A COURT ORDER DIRECTING  
RESPONDENT TO LODGE COPIES OF  
CERTAIN PORTIONS OF THE STATE  
COURT PROCEEDINGS

v.

A. K. SCRIBNER, et.al.,

[Doc. 55]

Respondents.

Petitioner is a state prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner is represented by Meredith Fahn, Esq.

On June 14, 2010, Respondent filed a motion to dismiss. On June 15, 2010, Respondent lodged with the Court the relevant state court filings and dispositive rulings. The lodged documents include the state habeas corpus petitions along with the denial orders filed in the state superior court and state intermediate appellate court, order to show cause, petitions for review filed in the California Supreme Court along with orders disposing of such petitions, and some state appeal documents.

On July 15, 2010, Petitioner filed a request for this Court to order Respondent to lodge pleadings, transcripts, and exhibits from the state court proceedings. Respondent filed an opposition to Petitioner’s request on July 21, 2010. Petitioner filed a reply on July 21, 2010.

Respondent argues that all relevant state court documents have been lodged with this Court. Respondent initially points out that, as custom, the lodged documents have not been

1 served on Petitioner's counsel. Respondent also argues that the State is not obligated to lodge  
2 copies of evidentiary hearing transcripts or state habeas exhibits.

3 Because the Court has simultaneously issued a Findings and Recommendation  
4 recommending that Respondent's motion to dismiss certain subclaims be DENIED, the Court  
5 hereby DENIES Petitioner's motion for production of certain state court documents without  
6 prejudice.

7 IT IS SO ORDERED.

8 **Dated: January 21, 2011**

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE

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