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6 **UNITED STATES DISTRICT COURT**

7 EASTERN DISTRICT OF CALIFORNIA

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9 JAMES BRADLEY HAAG, 1:07-CV-00856 DLB HC

10 Petitioner, ORDER REGARDING PETITIONER'S
11 v. MOTIONS FOR DISCOVERY

12 [Docs. 52, 53, 54, 70, 73]

13 JAMES TILTON, Director of Corrections

14 Respondent. /

15 Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus
16 pursuant to 28 U.S.C. § 2254. Pursuant to 28 U.S.C. § 636(c)(1), the parties have consented to
17 the jurisdiction of the United States Magistrate Judge. This case is ready for review on the
18 merits.

19 Petitioner has filed various motions objecting to the fact that the voir dire and opening
20 statements were not transcribed and have not been provided to him for use in challenging his
21 conviction. Petitioner's complaint appears to be legitimate.

22 First, the Court has previously ordered and received a copy of the transcript of the voir
23 dire proceedings. However, Petitioner has not received such copy. (Court Doc. 73, Petitioner's
24 Motion.) Second, the opening statements were reported but not transcribed. (See Reporter's
25 Transcript, Master Index, at 703-709, July 3, 2002.) This Court cannot say that such transcripts
26 are not relevant to the instant proceedings. See Rule 5 of the Rules Governing Section 2254
27 Cases. Accordingly, pursuant to Rule 5 of the Rules Governing Section 2254 Cases, the Court

1 will direct Respondent to obtain the transcript of the openings statements made during
2 Petitioner's criminal trial. Upon receipt of all the transcripts, including voir dire, the Court will
3 forward a copy to Petitioner. Accordingly, to the extent Petitioner's motions request copies of all
4 recorded but not transcribed trial court proceedings, his request is GRANTED.

5 Based on the foregoing, it is HEREBY ORDERED that:

6 1. Respondent shall present an application to the state court for transcription of the
7 opening statements made by counsel; and,
8 2. Within thirty (30) days from the date of service of this order, Respondent shall
9 provide the Court with the status of such request.

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12 IT IS SO ORDERED.

13 Dated: September 23, 2009

14 /s/ Dennis L. Beck
15 UNITED STATES MAGISTRATE JUDGE
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