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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RENE SANDERS,)	1:08-cv-01357-AWI-BAK-GSA HC
)	
Petitioner,)	ORDER CONSTRUING PETITIONER’S
)	MOTION TO CORROBORATE EVIDENCE
v.)	AS A MOTION TO SUPPLEMENT THE
)	PETITION (Doc. 9)
)	
J. F. SALAZAR, Warden,)	ORDER GRANTING MOTION TO
)	SUPPLEMENT THE PETITION (Doc. 9)
Respondent.)	

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Petitioner is currently in the custody of the California Department of Corrections and Rehabilitation pursuant to a judgment of the Superior Court of California, County of Los Angeles, following his 1987 conviction for first degree murder in violation of Cal. Penal Code § 187. (Doc. 1). Petitioner is serving a prison term of thirty-one years to life. (Id.). Petitioner filed the instant petition on September 11, 2008, challenging the July 31, 2006 decision of the Board of Parole Hearings (“BPH”) finding Petitioner ineligible for parole. (Doc. 1).

On November 21, 2008, Petitioner filed a Motion to Corroborate Evidence, which included a declaration by Petitioner purporting to corroborate evidence elicited by Petitioner’s attorney at the

1 BPH hearing on July 31, 2006. (Doc. 9). As such, the Court construes the Motion to Corroborate
2 Evidence as a Motion to Supplement the petition. Although, at this juncture, Respondent has already
3 filed a responsive pleading, the Court, exercising its discretion, sees no prejudice in granting the
4 motion as construed because the Court is simultaneously issuing Findings and Recommendations to
5 grant Respondent's motion to dismiss the petition for lack of exhaustion. The construed motion to
6 supplement the petition contains nothing relevant to the motion to dismiss or to the Findings and
7 Recommendations. Accordingly, there would be no prejudice to Respondent in granting such a
8 motion.

9 Accordingly, for the foregoing reasons, it is HEREBY ORDERED as follows:

- 10 1. Petitioner's Motion to Corroborate Evidence (Doc. 9), is CONSTRUED as a motion
11 to supplement the petition; and,
- 12 2. As construed, Petitioner's motion to supplement the petition (Doc. 9), is GRANTED.

13 IT IS SO ORDERED.

14 **Dated: September 4, 2009**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE