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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TOMMY CORRAL,)	1:10-CV-00699 LJO SMS HC
Petitioner,)	ORDER DENYING PETITIONER'S
v.)	MOTION FOR EVIDENTIARY HEARING
)	[Doc. #4]
F. GONZALEZ, Warden, et al.,)	ORDER DENYING PETITIONER'S
Respondents.)	MOTION FOR DISCOVERY AND
)	GRANTING PROTECTIVE ORDER
)	[Doc. #5]

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

On April 21, 2010, Petitioner requested the Court to order an evidentiary hearing. Rule 8(a) of the Rules Governing Section 2254 Cases provides that where a petition is not dismissed at a previous stage in the proceeding, the judge shall review the answer and the transcripts and records of the state court proceedings to determine whether an evidentiary hearing is required. At this time, an answer has not yet been filed. In addition, Petitioner has not shown any cause for an evidentiary hearing. Therefore, the motion will be denied.

Also on April 21, 2010, Petitioner filed a motion for discovery and protective order. Pursuant to Rule 6 of the Rules Governing Section 2254 Cases, discovery is permitted at the Court's discretion and only upon a showing of good cause. Bracy v. Gramley, 520 U.S. 899 (1997). In this

1 case, Petitioner has not demonstrated good cause for discovery. This matter is currently pending a
2 response from Respondent. Per Rule 5 of the Rules Governing Section 2254 Cases, Respondent
3 must provide all relevant transcripts and records. Provided Respondent submits all relevant records,
4 discovery will be unnecessary.

5 Petitioner also requests a protective order. Petitioner argues that much of the information
6 concerning his gang validation is confidential and sensitive material and could compromise his
7 safety if disclosed. The Court will grant Petitioner's motion and order that any documents provided
8 by Respondent concerning Petitioner's gang validation be submitted under seal.

9 **ORDER**

10 Accordingly, IT IS HEREBY ORDERED:

- 11 1) Petitioner's motion for evidentiary hearing is DENIED;
- 12 2) Petitioner's motion for discovery is DENIED; and
- 13 3) Petitioner's motion for protective order is GRANTED; Respondent is DIRECTED to
14 submit any records concerning Petitioner's gang validation under seal.

15
16 IT IS SO ORDERED.

17 **Dated:** September 7, 2010

/s/ Sandra M. Snyder
UNITED STATES MAGISTRATE JUDGE