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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JUDY BELL,

1:10-cv-02112 MJS (HC)

Petitioner,

ORDER DISMISSING PETITIONER'S  
MOTION REQUESTING EVIDENTIARY  
HEARING AND PRODUCTION OF  
DISCOVERY

v.

W. MILLER, Warden,

[Doc. 14]

Respondent.

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Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On October 3, 2011, this Court dismissed the petition for failure to state a cognizable federal claim in light of Swarthout v. Cooke, 131 S.Ct. 859, 861-62, 178 L. Ed. 2d 732 (2011). On October 7, 2011, Petitioner filed a request for an evidentiary hearing and the production of discovery. The Petition was dismissed based on the pleadings and exhibits contained in the Petition. As the matter is closed, discovery is not appropriate at this time. The motion is hereby DISMISSED as moot.

IT IS SO ORDERED.

Dated: October 14, 2011

1st Michael J. Seng  
UNITED STATES MAGISTRATE JUDGE