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2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF CALIFORNIA
4

5 BERNARD C. HUGHES,

6 Petitioner,

7 v.

8 WARDEN MARTIN BITER,

9 Respondent.

CASE NO. 1:14-cv-01237-LJO-SKO HC

ORDER DENYING PETITIONER'S MOTION
FOR APPOINTMENT OF EXPERT WITNESSES

(Doc. 33)

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12 Petitioner, proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C.
13 § 2254, moves for appointment of expert witnesses including (1) an expert to interpret DNA samples
14 and (2) a handwriting expert to “compare letters from the victim’s caretaker with known signatures and
15 samples with the California Department of Corrections and Rehabilitation or other means.” Doc. 33 at
16 2. The motion neither sets forth authority for the appointment of these experts nor offers any
17 explanation of why these experts are necessary. The Court’s examination of the conceivable uses of
18 such experts in light of the grounds set forth in the petition reveals no basis for appointing either expert.

19 **DNA expert** The request for a DNA expert potentially relates to grounds one or three of the
20 petition, or both. The Court previously dismissed ground three as a state claim not cognizable in federal
21 habeas corpus proceeding. Docs. 9 and 11.

22 Ground one alleges that the state court denied Petitioner due process by failing to provide access
23 to exculpatory biological evidence, specifically, a knit cap with hairs and other DNA identified as not
24 belonging to Petitioner. The petition contends that the state court failed to link the DNA on the hat to a
25 particular third party. Evaluating whether the state court violated Petitioner’s rights by denying him
26 access to the cap does not require identification of the third-party source of the DNA.

27 **Handwriting expert** Petitioner’s request for a handwriting expert relates to the eighth ground
28 for habeas relief, which alleges that the state court abused its discretion in failing to permit a

