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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RICARDO VELASQUEZ,
Petitioner,
v.
STU SHERMAN,
Respondent.

Case No.: 1:15-cv-01288-AWI-JLT (HC)
ORDER GRANTING PETITIONER’S
MOTION FOR DISCOVERY
(Doc. 67)

The petitioner moves the Court for an order granting discovery so he can serve a subpoena duces tecum on the Tulare Police Department to obtain:

1. 18 fingerprint cards taken from the interior and exterior of a Jeep Grand Cherokee on or about October 5, 2009, for inspection and examination by defense counsel and a defense-retained expert;
2. The evidence log entry documenting receipt of the 18 fingerprint cards taken from the interior and exterior of a Jeep Grand Cherokee on or about October 5, 2009;
3. The evidence log entry documenting chain of custody of the 18 fingerprint cards taken from the interior and exterior of a Jeep Grand Cherokee on or about October 5, 2009; and
4. The chain of custody for the 18 fingerprint cards taken from the interior and exterior of a Jeep Grand Cherokee on or about October 5, 2009.

(Doc. 67 at 3) The petitioner argues that good cause exists for the discovery. *Id.* at 3-4. Respondent does not dispute that good cause exists for this discovery (Doc. 73) based upon tge

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order of the Ninth Circuit Court of Appeals (Doc. 53), and the Court agrees (*Bracy v. Gramley*, 520 U.S. 899, 904 (1997)). Consequently, the Court **ORDERS**:

1. The petitioner’s motion to conduct discovery to issue a subpoena to the Tulare Police Department to obtain the items listed above is **GRANTED**¹.

IT IS SO ORDERED.

Dated: November 29, 2021

/s/ Jennifer L. Thurston
CHIEF UNITED STATES MAGISTRATE JUDGE

¹ Of course, if the Tulare Police Department files an objection to the production (though the Court does not expect this to occur), the petitioner may file a motion to compel it, if appropriate.