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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES GEORGE STAMOS, JR.,
Petitioner,

v.

RANDY GROUNDS,
Respondent.

1:15-cv-01838 DAD MJS HC

**ORDER DENYING WITHOUT PREJUDICE
MOTION REQUESTING DISCOVERY;
ORDER REGARDING STATUS OF CASE**

(Docs. 23, 46)

Petitioner is a state prisoner proceeding *pro se* with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. On January 21, 2016, Petitioner moved the Court for an order authorizing discovery. (ECF No. 23.) Specifically, he requests to subpoena records relating to his appeal of the disciplinary hearing finding at issue in the case.

This Court, in reviewing Petitioner's claims and determining if the state court decision was reasonable, may only rely upon the record before the state court. See Cullen v. Pinholster, 131 S. Ct. 1388, 1398 (2011) ("We now hold that review under § 2254(d)(1) is limited to the record that was before the state court that adjudicated the claim on the merits."). As such, further discovery is not warranted at this time. Furthermore, it appears that the records in question were provided by Respondent as exhibits to the answer filed on April 13, 2016. If, upon substantive review of the petition,

1 the Court determines that discovery is necessary, it will provide Petitioner the opportunity
2 to obtain the discovery.

3 Further, on August 31, 2016, Petitioner filed a motion requesting the status of the
4 case. The case remains open and pending. The Court will address the petition in due
5 course.

6 Accordingly, it is hereby ordered that Petitioner's motion requesting discovery be
7 DENIED without prejudice.

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9 IT IS SO ORDERED.

10 Dated: September 12, 2016

/s/ Michael J. Seng
11 UNITED STATES MAGISTRATE JUDGE

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