

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY ROBERTS,

 Petitioner,

 v.

WARDEN, San Quentin State Prison,

 Respondent.

Case No. 2:93-cv-00254-DAD-KJN (TEMP)

DEATH PENALTY CASE

ORDER

 In Claim 10 of the Second Amended Petition, petitioner challenges the trial court’s denial of his motion for a change of venue. (ECF No. 248 at 220.) Petitioner relies upon the motion brought by his trial counsel both for his argument and as evidentiary support. (*Id.* at 220 n.170.) That motion appears in the copy of the Clerk’s Transcript provided to the court by respondent in 1995. (*See* ECF No. 118; CT 455, 466, 468, 544.) Attorney Ronald Moe submitted a declaration in support of the motion. (CT 466-67.) Therein, he states that copies of newspaper clippings are attached. However, the copy of Mr. Moe’s declaration provided to this court has no attachments and the court has been unable to locate any such newspaper clippings in the record before it.

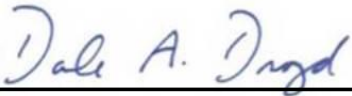
/////
/////
/////
/////

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Within ten days of the filed date of this order, respondent shall either direct the court to the location in the record lodged with this court of the newspaper clippings which were filed with the trial court in support of petitioner's motion for a change of venue, provide copies of them to this court or otherwise respond to the court's inquiry as appropriate.

IT IS SO ORDERED.

Dated: May 2, 2016



UNITED STATES DISTRICT JUDGE