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

TEIQUON LEWIS,

Petitioner,

No. CIV S-05-1136 GEB EFB P

vs.

EVANS, Warden,

Respondent.

ORDER

_____/

Petitioner is a state prisoner proceeding pro se with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges his 1999 conviction in Solano County Superior Court on four counts of robbery and one count of attempted robbery, with findings of personal use of a deadly weapon, personal use of a firearm, infliction of great bodily injury, two prior convictions and one prior prison term, and the sentence of 150 years to life in prison imposed under California’s Three Strikes Law. One of petitioner’s grounds for relief is that the pretrial identification procedure was impermissibly suggestive, in violation of his right to due process. The state trial and appellate courts denied this claim after viewing trial exhibits consisting of photographs of the live lineup in which petitioner was one of the participants. This court has not been provided with those exhibits.

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1 Rule 7 of the Rules Governing Habeas Corpus Cases provides that the court may direct
2 that the record be expanded by the parties by the inclusion of additional materials, including trial
3 exhibits, "relating to the petition." The photographs of the live lineup are relevant and necessary
4 to a determination of the merits of the petition pending before this court.

5 Accordingly, IT IS HEREBY ORDERED that, within thirty days from the filed date of
6 this order, respondent shall lodge with this court the trial exhibits consisting of photographs of
7 the live lineup in which petitioner was one of the participants.

8 DATED: August 3, 2010.

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10 EDMUND F. BRENNAN
11 UNITED STATES MAGISTRATE JUDGE
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