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

MICHAEL D. FOOTE,

Petitioner,

No. 2:08-cv-1029-LKK-JFM (PC)

vs.

MIKE KNOWLES, et al.,

Respondents.

ORDER

_____ /

Petitioner is a state prisoner proceeding pro se and in forma pauperis with a petition for writ of habeas corpus filed May 12, 2008. Petitioner claims that the California Department of Corrections and Rehabilitation violated his due process rights by failing to reissue and rehear a hearing for a disciplinary violation that he asserts was referred to by the parole board in denying parole.

On November 19, 2009 and March 29, 2010, petitioner filed two motions to expand the record, wherein petitioner seeks to file the transcript of a parole hearing held on November 5, 2009 to show that the disciplinary violation that he is contesting was again considered by the parole board, even though the parole board granted parole. Petitioner was ordered on March 30, 2010 to update the court as to the status of his parole. On April 9, 2010,

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1 petitioner filed a third motion to expand the record, in which he noted that his parole was
2 reversed by Governor Arnold Schwarzenegger.

3 Insofar as petitioner is contesting the November 5, 2009 parole board's reliance
4 on the disciplinary record at issue in this matter, petitioner may do so only after he has exhausted
5 state habeas proceedings. See Redd v. McGrath, 343 F.3d 1077, 1082 (9th Cir. 2003). To the
6 extent that he is seeking merely to supplement the record, his request is granted.

7 Accordingly, IT IS HEREBY ORDERED that petitioner's November 19, 2009;
8 March 29, 2010; and April 9, 2010 motions to expand the record are granted.

9 DATED: May 6, 2010.

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11 
12 UNITED STATES MAGISTRATE JUDGE

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