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

10 MARVIN DEAN NOOR,

11 Petitioner,

No. 2:08-cv-1656-WBS-JFM (HC)

12 vs.

13 M. MARTELL, Warden (A),

14 Respondent.

ORDER

15 _____/
16 Petitioner is a state prisoner proceeding pro se with an application for a writ of
17 habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges a 2006 prison disciplinary
18 conviction for inappropriate conduct in the visiting room pursuant to which he suffered a thirty
19 day loss of behavior credits and was placed on no-visit status for ninety days from July 23, 2006
20 to October 22, 2006. Petitioner raises three claims in his application. First, he contends that
21 prison officials improperly classified the disciplinary as a serious offense, contrary to applicable
22 rules and regulations. Second, petitioner contends that the conviction for a “serious” rules
23 violation is not supported by “some evidence.” Petition for Writ of Habeas Corpus, filed July 18,
24 2008, at 4. Finally, petitioner contends that respondent improperly withheld exculpatory
25 evidence, namely, a twenty-three minute DVD recording; petitioner contends that he was given a
26 redacted copy of the video recording, that the senior hearing officer “viewed substantially more

1 of the video recording” than was provided to petitioner to prepare his defense, and that the only
2 “reasonable inference” that can be drawn from the failure to provide petitioner with the full
3 recording is that the unredacted portion contains exculpatory evidence. Id. at 5.

4 Review of the record shows that the video recording was offered into evidence in
5 habeas corpus proceedings in the Amador County Superior Court. See Ex. B to Answer to
6 Petition for Writ of Habeas Corpus, filed September 28, 2009. The video recording formed the
7 basis for the superior court’s conclusion that there was “some evidence” to support the
8 disciplinary conviction challenged in these proceedings.

9 Good cause appearing, IT IS HEREBY ORDERED that within ten days from the
10 date of this order respondent shall lodge a copy of the video recording that was part of the
11 administrative record and the record before the Amador County Superior Court.

12 DATED: May 11, 2010.

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15 UNITED STATES MAGISTRATE JUDGE

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