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

MACK A WEST, JR.,

Petitioner,

No. CIV S-09-3147 FCD DAD P

vs.

KATHLEEN DICKINSON, Warden,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner is a state prisoner proceeding pro se with a second amended petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court is petitioner’s motion for a court order allowing discovery, for an evidentiary hearing, and for appointment of counsel.

The court has addressed virtually identical motions from petitioner on several occasions and has explained to petitioner what he is required to show before the court can issue an order granting him relief. (See Orders Filed Aug. 12, 2010 (Doc. No. 30) & Apr. 21, 2011 (Doc. No. 55).) Once more, petitioner’s pending motion fails to demonstrate that discovery, an evidentiary hearing, or appointment of counsel are warranted in this case.

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Accordingly, IT IS HEREBY ORDERED that petitioner's motion (Doc. No. 64)  
is denied.

DATED: October 7, 2011.

  
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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

DAD:9  
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