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

DUNDELL WRIGHT,

Petitioner,

No. CIV S-09-3347 MCE EFB P

vs.

A. HEDGPETH,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner is a state prisoner proceeding *in propria persona* with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges a 2003 judgment of conviction entered against him in the Sacramento County Superior Court on charges of second degree murder of a police officer while in the performance of his duties, with an enhancement for use of a firearm. Petitioner raises fifteen separate grounds for federal habeas relief.

In petitioner’s thirteenth ground for relief, he claims that the trial court violated his Sixth Amendment right to counsel when it denied his motion for substitute counsel pursuant to *People v. Marsden*, 2 Cal.3d 118 (1970). In responding to this claim in his answer, respondent has cited to and quoted from the relevant *Marsden* motions filed in state court and the hearings thereon.

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1 See Answer at 88-89 (Dckt. No. 18 at 92-93). However, none of these motions or hearing  
2 transcripts are contained in the record filed with this court. The court is unable to analyze  
3 petitioner's *Marsden* claim without the state court record relating to petitioner's requests for  
4 substitute counsel. Accordingly, respondent will be directed to lodge the relevant documents  
5 within fourteen days.

6 Good cause appearing, IT IS ORDERED that, within fourteen days from the date of this  
7 order, respondent shall lodge with this court the state court records pertaining to petitioner's  
8 *Marsden* claim, and cited in his answer at pages 88-89 (Dckt. No. 18 at 92-93.)

9 DATED: June 13, 2011.

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11 EDMUND F. BRENNAN  
12 UNITED STATES MAGISTRATE JUDGE  
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