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

RAYMOND CHRISTIAN FOSS,

Petitioner,

No. 2:09-cv-3551-JAM-JFM (HC)

vs.

MIKE MARTEL, *Warden*,

Respondent.

ORDER

_____/

On June 14, 2010, petitioner filed a motion in which he seeks to have respondent lodge the entire state court record and to serve it in its entirety on petitioner. Additionally, petitioner seeks sanctions for respondent’s failure to file the entire state court record with his answer. Petitioner is informed that respondent has since filed those “parts of the transcript that the respondent considers relevant.” See Rule 5(c) of the Rules Governing Section 2254 Cases; Doc. No. 47. Petitioner is also informed that there is no constitutional or statutory right to a free copy of the state court record on collateral review. See United States v. MacCollum, 426 U.S. 317 (1976) (no constitutional right to a free copy of the record on collateral review). Finally, the court does not find that sanctions are warranted.

Petitioner has also filed a motion for a thirty-day extension of time to file a traverse after the court rules on his motion for lodgment of state court record.

1 Based on the foregoing, IT IS HEREBY ORDERED that

2 1. Petitioner’s request for order directing respondent to lodge state record is
3 denied;

4 2. Petitioner’s motion for sanctions is denied;

5 3. Petitioner’s motion for a thirty-day extension of time to file a traverse is
6 granted; and

7 4. Petitioner shall file a traverse within thirty days of the date of this order.

8 DATED: February 9, 2011.

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11 UNITED STATES MAGISTRATE JUDGE

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