



1 Pursuant to Eastern District of California Local Rule 303(f), a magistrate judge's orders  
2 shall be upheld unless "clearly erroneous or contrary to law." Upon review of the entire file, the  
3 Court finds that it does not appear that the magistrate judge's ruling was clearly erroneous or  
4 contrary to law. He properly construed petitioner's request and denied it without prejudice in  
5 light of respondent's statutory duty to submit the relevant portions of the state court record with  
6 his answer. Indeed, respondent has already submitted the following documents to the court.

- 7 1. Petitioner's October 17 and 24, 2007 jury verdicts (Lod. Doc. 1);
- 8 2. An December 21, 2007 Abstract of Judgment (Lod. Doc. 2);
- 9 3. The California Court of Appeal's May 29, 2009 Opinion (Lod. Doc. 3);
- 10 4. Petitioner's June 3, 2009 petition for review filed in the California Supreme Court  
11 (S173630) and denied on August 12, 2009 (Lod. Doc. 4);
- 12 5. An August 17, 2009 Remittitur (Lod. Doc. 5); and
- 13 6. Petitioner's November 18, 2010 Petition for Writ of Habeas Corpus filed in the  
14 California Supreme Court (S188359) (Lod. Doc. 6).

15 Moreover, in his January 27, 2012 answer, respondent identifies the following  
16 documents that he will be lodge in a Supplemental Lodging (see Answer at 1 n.2):

- 17 7. The Clerk's Transcripts, Volumes 1 & 2 (Lod. Doc. 7);
- 18 8. The Reporter's Transcripts, Volumes 1- 4 (Lod. Doc. 8);
- 19 9. Petitioner's Opening Brief on Appeal (Lod. Doc. 9);
- 20 10. Respondent's Brief (Lod. Doc. 10);
- 21 11. Petitioner's May 8, 2009, Petition for Writ of Habeas Corpus filed in the  
22 Sacramento County Superior Court (09F03933), and dismissed by the court on June 12, 2009  
23 (Lod. Doc. 11);
- 24 12. Petitioner's June 29, 2009, Petition for Writ of Habeas Corpus filed in the  
25 California Court of Appeal (C062231), and denied on July 9, 2009 (Lod. Doc. 12);

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1           13.     Petitioner's March 4, 2010, Petition for Writ of Habeas Corpus filed in the  
2 Sacramento County Superior Court (10F01742) and denied on April 9, 2010 (Lod. Doc. 13);


3           14.     Petitioner's October 18, 2010, Petition for Writ of Habeas Corpus filed in the  
4 California Court of Appeal (C066355), and denied on October 21, 2010 (Lod. Doc. 14); and

5           15.     The Reporter's Augmented Transcript on Appeal (Lod. Doc 15).

6           Since these documents have been, or will be, provided, petitioner's request was properly  
7 denied. If, upon consideration of petitioner's writ for habeas relief, the Court finds that  
8 additional documents are necessary, it will order respondent to file them.

9           Based on the foregoing, IT IS HEREBY ORDERED that petitioner's Motion for  
10 Reconsideration (ECF No. 15) is DENIED.

11          Dated: February 7, 2012

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14 MORRISON C. ENGLAND, JR.  
15 UNITED STATES DISTRICT JUDGE  
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