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

PETER LYNN GALLOWAY,

Petitioner,

No. 2:11-cv-1464 KJM DAD P

vs.

R. H. TRIMBLE, Warden,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner is a state prisoner proceeding pro se with a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Petitioner challenges a judgment of conviction entered against him on December 18, 2008 in the Sacramento County Superior Court on charges of second degree robbery with one prior felony “strike” conviction, service of three prior prison terms, and one “serious or violent” prior felony conviction. He seeks federal habeas relief on the grounds that his trial counsel rendered ineffective assistance in failing to accurately convey to him the terms of a plea offer.

On May 22, 2012, petitioner filed a motion for “expansion of the record of appeal.” (Doc. No. 30.) Therein, petitioner requests that respondent file additional specified material relevant to petitioner’s claim that he received ineffective assistance of counsel. See Rule 5(c) of the Rules Governing Section 2254 Cases in the United States District Courts (“The

1 respondent must attach to the answer parts of the transcript that the respondent considers  
2 relevant. The judge may order that the respondent furnish other parts of existing transcripts or  
3 that parts of untranscribed recordings be transcribed and furnished.”). Respondent has not filed a  
4 response to this motion. Further, in his answer to the petition, respondent states that he has filed  
5 as an exhibit thereto the decision of the California Court of Appeal on petitioner’s direct appeal.  
6 However, no such exhibit has been filed with this court.

7           Accordingly, IT IS ORDERED that, within thirty days from the date of this order,  
8 respondent shall file a response to petitioner’s May 22, 2012 motion for expansion of the record,  
9 and shall also file or lodge with this court the decision of the California Court of Appeal on  
10 petitioner’s direct appeal.

11 DATED: September 6, 2012.

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DALE A. DROZD  
UNITED STATES MAGISTRATE JUDGE

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