

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

KANWALJIT SINGH HUNDAL,

Petitioner,

vs.

JEFFREY BEARD, Secretary, California
Department of Corrections and
Rehabilitation,¹

Respondent.

No. 2:11-cv-1571-JKS

ORDER

Kanwaljit Singh Hundal, a state prisoner represented by counsel, filed a Petition for Writ of Habeas Corpus (“Petition”) with this Court pursuant to 28 U.S.C. § 2254.² At the time he filed his Petition, Hundal was in the custody of the California Department of Corrections and Rehabilitation and incarcerated at Chuckawalla Valley State Prison. It appears that he has been released on supervised parole, as a search on the California Department of Corrections and Rehabilitation’s inmate locator website (<http://inmatelocator.cdcr.ca.gov/>, Inmate No. F59716) has no record of him. Respondent has answered, and Hundal has replied. As of March 5, 2012, the date his counsel filed the Traverse, Hundal was still incarcerated at Chuckawalla. He has not filed a change of address with this Court.

In his Petition before this Court, Hundal alleges, among other claims, that the trial court denied his Sixth Amendment confrontation right and his Fourteenth Amendment right to a fair

¹ Because it appears that Hundal has been released but is on post-release supervision, Jeffrey Beard, Secretary, California Department of Corrections and Rehabilitation, is substituted for J. Tim Ochoa, former Warden, Chuckawalla Valley State Prison. FED. R. CIV. P. 25(c).

² Docket No. 1.

trial when it rejected defense counsel's request to subpoena a clinical psychologist as an expert witness.³ He further alleges that he was denied effective assistance of counsel and his Sixth Amendment confrontation right when the court excluded from evidence a letter purporting to show that the victim had made a previous false allegation of sexual abuse.⁴

At trial, defense counsel referred to a clinical psychology report apparently prepared by the proposed expert, Dr. Howells, that is absent from the record before this Court.⁵ Hundal's Petition also refers to two letters that, although the Petition indicates they are included as exhibits to his Petition, are not in the record either.⁶ It appears that Hundal included the two letters in his Petition for Writ of Habeas Corpus filed with the Joaquin County Superior Court on December 10, 2008 ("State Petition").⁷ Respondent has provided the Court a copy of the State Petition, but this document does not appear to include Hundal's attached exhibits. The Court has determined that receipt of the report and the letters may aid the Court in meaningfully reviewing Hundal's claims.⁸

IT IS THEREFORE ORDERED THAT on or before October 21, 2013, Respondent shall lodge with this Court Exhibits Six and Seven of Hundal's Petition for Writ of Habeas Corpus filed with the San Joaquin County Superior Court on December 10, 2008.

³ Docket No. 1 at 51-52.

⁴ Docket No. 1 at 33-43.

⁵ Reporter's Transcript at 82.

⁶ Docket No. 1 at 35.

⁷ Lodged Document No. 7.

⁸ *See* Rules—Section 2254 Cases, Rule 7.

IT IS FURTHER ORDERED THAT on or before October 21, 2013, Hundal shall lodge with this Court the clinical psychology report prepared by Dr. Howells.

Dated: September 4, 2013.

/s/James K. Singleton, Jr.
JAMES K. SINGLETON, JR.
United States District Judge