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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RODNEY WAYNE JONES,
Petitioner,
v.
TIM VIRGA, et al.,
Respondent.

No. 2:12-cv-1138 LKK GGH P

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 has filed a request for permission to expand the record, seeking court permission to include his attached declaration and exhibits for consideration in regard to his submitted habeas petition.

“Rule 7 of the Rules Governing § 2254 cases allows the district court to expand the record without holding an evidentiary hearing.” Libberton v. Ryan, 583 F.3d 1147, 1165 (9th Cir. 2009) (quoting Cooper–Smith v. Palmateer, 397 F.3d 1236, 1241 (9th Cir.2005)). However, in order to supplement the record with new evidence, “a petitioner must meet the same standard that is required for an evidentiary hearing” set forth in 28 U.S.C. § 2254(e). Libberton, 583 F.3d at 1165 (citing Cooper–Smith, 397 F.3d at 1236.) In order to be awarded an evidentiary hearing, a petitioner must either: (1) satisfy the requirements of 28 U.S.C. § 2254(e), or (2) show that he ‘exercised diligence in his efforts to develop the factual basis of his claims in state court

