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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CERON HILL,
Petitioner,
v.
MARTIN D. BITER,
Respondent.

No. 2:12-cv-2098 MCE DAD P

ORDER

Petitioner is a state prisoner proceeding through counsel with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Respondent filed an answer on February 13, 2014, and petitioner filed a traverse on May 14, 2015. Accordingly, this matter is submitted to the court for decision.

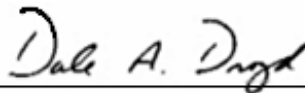
On May 14, 2015, petitioner filed a request to expand the record to include “at least” his declaration, which he has filed as an exhibit to the motion to expand. (ECF Nos. 55, 55-1.) Petitioner also repeats his requests, previously made in his petition and traverse, for an evidentiary hearing on certain claims and “factual issues.” (ECF No. 55 at 2.) Petitioner apparently contends that an evidentiary hearing is necessary in order to resolve disputed issues of fact in connection with the claims contained in his petition.

Until this court has the opportunity to conduct a thorough review of the merits of petitioner's claims, the court cannot determine whether there is a factual dispute necessitating an

1 evidentiary hearing or supplementation of the record in this case. Following such a review, the
2 court will sua sponte issue an order for an evidentiary hearing or for expansion of the record
3 should it find that such a course of action is necessary and appropriate. Accordingly, petitioner's
4 May 14, 2015 request for expansion of the record and an evidentiary will be denied at this time as
5 premature without prejudice to the matter being reconsidered sua sponte by the court at the
6 appropriate time.

7 For the foregoing reasons, IT IS HEREBY ORDERED that petitioner's May 14, 2015
8 request to expand the record and for an evidentiary hearing (ECF No. 55) is denied without
9 prejudice to the court's sua sponte reconsideration of those requests should the court conclude
10 that an evidentiary hearing or expansion of the record is necessary and appropriate upon the
11 court's consideration of the merits of petitioner's claims for habeas relief.

12 Dated: August 7, 2015

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15 DALE A. DROZD
16 UNITED STATES MAGISTRATE JUDGE

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