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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 DAVID G. LEONARD,

No. 2:12-CV-2161-MCE-CMK-P

12 Petitioner,

13 vs.

ORDER

14 JAMES HARTLEY,

15 Respondent.
16 _____/

17 Petitioner, a state prisoner proceeding pro se, brings this petition for a writ of
18 habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court are: (1) petitioner's
19 motion (Doc. 34) for an order permitting discovery; and (2) petitioner's motion (Doc. 52) for an
20 extension of time to file a traverse.

21 Turning to petitioner's motion for discovery, petitioner seeks leave of court to
22 conduct discovery on all of his claims. By way of example, plaintiff would like to discovery
23 "[r]ecords relating to, or reflecting upon evidence seized, or introduced at trial, reliability of
24 evidence, or pertaining to evidentiary matters or testimony." It is clear from his motion that
25 petitioner is attempting to do exactly what the Supreme Court declared in Cullen v. Pinholster,
26 131 S.Ct. 1388 (2011), he cannot. Specifically, petitioner is attempting to use this federal habeas

1 action to fish for evidence to support his claims. Notably, petitioner has made no showing
2 regarding his efforts, if any, to investigate the factual bases of his claims when they were pending
3 before the state courts. See 28 U.S.C. § 2254(e)(2)(A)(ii). The court concludes that petitioner
4 has failed to demonstrate good cause for an order allowing discovery. See Rule 6(a) of the Rules
5 Governing Section 2254 Cases.

6 Petitioner seeks an extension of time (Doc. 52) to file a traverse. Good cause
7 appearing therefor, the request will be granted.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Petitioner's motion for leave to conduct discovery (Doc. 34) is denied;
- 10 2. Petitioner's motion for an extension of time (Doc. 52) to file a traverse is
11 granted; and
- 12 3. Petitioner may file a traverse within 30 days of the date of this order.

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14 DATED: February 24, 2014

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16 **CRAIG M. KELLISON**
17 UNITED STATES MAGISTRATE JUDGE
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