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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DEREK MARTINEZ,
Petitioner,
v.
DIRECTOR OF CDCR,
Respondent.

No. 2:12-cv-2273 WBS DAD P

ORDER

Petitioner, a state prisoner proceeding pro se, has filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court are several of petitioner’s motions.

First, petitioner has filed a motion to compel discovery, which respondent has opposed. Until this court has the opportunity to conduct a review of the merits of petitioner’s claims, the court cannot determine whether there is good cause to conduct discovery in this habeas action. See Rule 6(a), Rules Governing Section 2254 Cases. Following the court’s review of the merits of petitioner’s claims, the court will sua sponte issue an order authorizing petitioner to conduct discovery if the court finds good cause exists to permit such. Accordingly, the court will deny petitioner’s motion to compel discovery without prejudice at this time to its sua sponte renewal by the court.

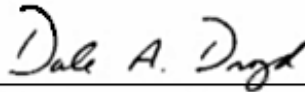
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1 Petitioner has also filed a motion for an extension of time to file a traverse. Before the
2 court had an opportunity to rule on petitioner's motion, he filed his traverse as well as a motion
3 for leave to file an "oversized brief" in support of his traverse. Under these circumstances, the
4 court will grant petitioner's motion for an extension of time and deem petitioner's traverse timely
5 filed. In addition, the court notes that it does not normally place a page limit on a habeas
6 petitioner's traverse. Therefore, the court will deny petitioner's motion to file an "oversized
7 brief" in support of his traverse as unnecessary.

8 Accordingly, IT IS HEREBY ORDERED that:

- 9 1. Petitioner's motion to compel discovery (Doc. No. 37) is denied without prejudice to
10 its sua sponte renewal by the court;
- 11 2. Petitioner's motion for an extension of time to file a traverse (Doc. No. 58) is granted.
12 Petitioner's traverse (Doc. No. 61) is deemed timely filed;
- 13 3. Petitioner's motion for leave to file an "oversized brief" in support of his traverse
14 (Doc. No. 60) is denied as unnecessary; and
- 15 4. This matter is now submitted for decision.

16 Dated: May 19, 2014

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DALE A. DROZD
19 UNITED STATES MAGISTRATE JUDGE

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