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E-FILED - 5/11/10

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

GREGORY WELKER,)
)
 Petitioner,)
)
 vs.)
)
 JAMES HARTLEY, Warden,)
)
 Respondent.)
 _____)

No. C 08-4551 RMW (PR)

ORDER GRANTING
PETITIONER’S MOTION FOR
FURTHER TRANSCRIPTS AND
PRODUCTION OF EXHIBITS
SUBMITTED IN SUPPORT OF
RESPONDENT’S ANSWER

(Docket Nos. 17 & 18)

Petitioner, a state prisoner proceeding pro se, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The court reviewed petitioner’s petition and ordered the respondent to show cause why the petition should not be granted based on petitioner’s cognizable claims.

Respondent filed an answer and petitioner filed a traverse. Pending before the court are petitioner’s motions for the court to order respondent to furnish additional transcripts and for production of the exhibits respondent submitted in support of his answer.

In the court’s November 12, 2008 order to show cause, the court provided the following instructions to respondent: “Respondent shall file with the answer and serve on petitioner a copy of all portions of the underlying state criminal record that have been transcribed previously and that are relevant to a determination of the issues presented by the petition.” On June 1, 2009, respondent filed his response along with a supporting memorandum and an exhibit notice of

Order Granting Petitioner’s Motion for Further Transcripts and Production of Exhibits Submitted in Support of Respondent’s Answer
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1 lodging.

2 Petitioner has not received respondent's lodged exhibits. Further, upon review of the
3 court file, the court notes that it also does not include any of respondent's exhibits that were
4 noticed. Accordingly, petitioner's motion for respondent to provide a copy of the exhibits in
5 support of his response to the petition is **GRANTED**.

6 With respect to petitioner's motion for the court to order respondent to furnish additional
7 portions of transcripts, petitioner requests that the respondent provide copies of transcripts from
8 specific hearing dates -- namely: August 4, 2006, August 18, 2006, September 1, 2006,
9 September 29, 2006, October 2, 2006, and October 13, 2006. Petitioner asserts that those
10 transcripts are relevant to his claims. Accordingly, petitioner's motion for respondent to furnish
11 additional transcripts is hereby **GRANTED**.

12 Within **thirty** days of the date this order is filed, respondent shall provide petitioner with
13 a copy of all exhibits lodged in support of the response in addition to a copy of the transcripts of
14 the above referenced hearing dates. Respondent shall also provide the court a copy of both the
15 exhibits and the additional transcripts. Petitioner shall file any supplemental traverse within
16 **thirty** days after receiving such documents.

17 This order terminates docket nos. 17 & 18.

18 IT IS SO ORDERED.

19 DATED: 5/11/10


RONALD M. WHYTE
United States District Judge