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1 Federal Rules Governing Section 2254 Cases, 28 U.S.C. foll. § 2254, provides that a “judge
2 may, for good cause, authorize a party to conduct discovery under the Federal Rules of Civil
3 Procedure and may limit the extent of discovery.” Good cause for discovery under Rule 6(a) is
4 shown ““where specific allegations before the court show reason to believe that the petitioner
5 may, if the facts are fully developed, be able to demonstrate that he is . . . entitled to relief . . . ””
6 *Id.* at 908-09 (quoting *Harris v. Nelson*, 394 U.S. 286, 299 (1969)); *Pham v. Terhune*, 400 F.3d
7 740, 743 (9th Cir. 2005). The Ninth Circuit has also described this standard as being that
8 discovery must be allowed when it is “essential” for the petitioner to “develop fully” his or her
9 underlying claim. *Pham*, 400 F.3d at 743 (quoting *Jones v. Wood*, 114 F.3d 1002, 1009 (9th Cir.
10 1997)).

11 Here, Petitioner seeks discovery that would essentially contradict or disprove the victim’s
12 next of kin’s statements at the parole hearing, which accused Petitioner of sending threatening
13 messages, and acting in an aggressive manner. Petitioner has not demonstrated that these items
14 are “essential” for him to fully develop his underlying claims that he was not permitted to be
15 heard at his parole hearing, or that Section 3043(b) is unconstitutionally broad. Petitioner’s
16 request is DENIED.

17 IT IS SO ORDERED.

18 DATED: 1/5/12


LUCY H. KOH
United States District Judge