

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 08-cv-01235-ZLW-KMT

JASON PECCI,

Applicant,

v.

WARDEN BCCF, and
THE ATTORNEY GENERAL OF THE STATE OF COLORADO,

Respondents.

ORDER

This matter is before the court on Petitioner's "Request to Enter Affidavits Into the Record Under Habeas Corpus Rule 7" (Doc. No. 35) filed May 4, 2009.

Petitioner seeks to expand the record to add "affidavits" of his parents. The court notes the "affidavits" are not sworn or notarized. Moreover, the court finds the "affidavits" contain only subjective statements. *Strickland v. Washington*, 466 U.S. 668 (1984), established standards a petitioner must satisfy to overcome the strong presumption of attorney competence. The *Strickland* test requires a showing of both deficient performance by counsel and prejudice to the petitioner as a result of the deficient performance. *Strickland*, 466 U.S. at 687. The "affidavits" have little, if any, relevance to the *Strickland* test.

Accordingly, Petitioner's "Request to Enter Affidavits Into the Record Under Habeas Corpus Rule 7" (Doc. No. 35) is DENIED.

Dated this 7th day of May, 2009.

BY THE COURT:



Kathleen M. Tafoya
United States Magistrate Judge