

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

ALEX MORALES	:	
	:	PRISONER
v.	:	Case No. 3:13cv531(AWT)
	:	
CHAPDELAINÉ, et al.	:	

RULING ON MOTION TO APPOINT IMPARTIAL INVESTIGATOR [Doc. #6]

The petitioner has filed a motion asking the court to appoint the Honorable Holly B. Fitzsimmons, U.S.M.J., to impartially investigate the claims in his habeas petition.

The court has issued an order to show cause directing the state to respond to the plaintiff's claims of mistaken identity. The time for the response has not yet expired. In preparing the response, the state necessarily will investigate the claims.

When reviewing a federal petition for writ of habeas corpus, the court is restricted to reviewing the state court proceedings to determine whether the state court decisions:

- (1) resulted in a decision that was contrary to, or involved an unreasonable application of, clearly established Federal law, as determined by the Supreme Court of the United States; or
- (2) resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State court proceeding.

28 U.S.C. § 2254(d). The statute does not authorize the court to appoint an independent investigator to review the claims.

The plaintiff cites two cases in support of his motion. The first is a 1999 Second Circuit case, Porter v. Singletary.

Research reveals no case decided in the Second Circuit with that name. The second, Goldberg v. Kelly, 397 U.S. 254 (1970), concerns the right to a hearing before termination of public assistance benefits. The case does not support the request for the court to appoint an independent investigator to consider the claims in the habeas petition.

The plaintiff's motion [**Doc. #6**] is hereby **DENIED**.

It is so ordered.

Dated this 13th day of May 2013 at Hartford, Connecticut.

/s/AWT
Alvin W. Thompson
United States District Judge