

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION

JAMES ROBERT COTTER,

Petitioner,

vs.

CASE NO. 3:08-cr-326-J-20TEM  
3:10-cv-1075-J-20TEM

UNITED STATES OF AMERICA,

Respondent.

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**ORDER**

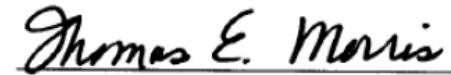
This case is before the Court on the Motion for Delivery of Discovery (Doc. #6) filed by the Petitioner, currently proceeding *pro se*. Petitioner appears to seek the discovery materials held by his previously appointed counsel, Mr. James H. Burke, Jr., Esq., who represented Petitioner during the sentencing phase of his criminal case. However, Petitioner's request is worded so broadly that the Court is concerned the Petitioner is attempting to engage in a general fishing expedition for discovery, which is impermissible. See, e.g., *United States v. Hollis*, No. 3:04-cr-00140-HRH-JDR, 2010 WL 892196 (D.Alaska, Mar. 10, 2010) (noting a habeas petitioner may not engage in a fishing expedition for the sake of turning up new potential 2255 claims). In limited circumstances the Petitioner may be entitled to specific discovery targeted to his position in this matter, but he should limit his request to reflect the sought information is pertinent to the claims he has already raised in pursuit of this 18 U.S.C. § 2255 habeas petition. See *id.*

Having reviewed the instant motion, and upon due consideration, it is hereby

**ORDERED:**

Petitioner's Motion for Delivery of Discovery (Doc. #6) is **DENIED without prejudice**. Petitioner may file a renewed motion upon correction of the above-noted deficiency.

**DONE AND ORDERED** at Jacksonville, Florida this 21<sup>st</sup> day of December, 2010.



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**THOMAS E. MORRIS**  
United States Magistrate Judge

Copies to:  
United States Attorney (Frein)  
*Pro se* Petitioner  
FPD (Burke)