

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ANTHONY WILTON SIMMS,

Petitioner,

v.

Case No. 8:15-cv-59-T-27JSS

UNITED STATES OF AMERICA,

Respondent.

ORDER

THIS MATTER is before the Court on Petitioner's Motion to Request Phone Records (Dkt. 14) in which he requests the Court issue a subpoena to obtain "phone records and recordings of the telephone conversations between the petitioner and his then attorney of record, Mr. Jeffrey Brown" while Petitioner was detained at the Citrus County Detention Center.

A Section 2255 petitioner generally is "not entitled to discovery as a matter of ordinary course" and must instead demonstrate "good cause." *Arthur v. Allen*, 459 F.3d 1310, 1310 (11th Cir. 2006). "Good cause is demonstrated where specific allegations . . . show reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that he . . . is entitled to relief." *Id.* (citation and internal quotation marks omitted). Petitioner has failed to demonstrate good cause because he does not specify why he needs the records, beyond his vague and conclusory assertion that "these records are . . . critical."

Accordingly, it is **ORDERED** that Petitioner's Motion to Request Phone Records (Dkt.

14) is **DENIED** without prejudice.

DONE AND ORDERED in Tampa, Florida, on April 26, 2017.



JULIE S. SNEED
UNITED STATES MAGISTRATE JUDGE

Copies to: *Pro Se* Petitioner; Counsel of Record