

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

KENNETH E. SCOTT,)	
)	
Petitioner,)	
v.)	No. 1:12-cv-0077-TWP-MJD
)	
KEITH BUTTS,)	
)	
Respondent.)	

Entry Concerning Selected Matters

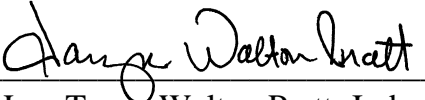
The court, having considered the above action and the matters which are pending, makes the following rulings:

1. This is an action for habeas corpus relief brought by a state prisoner. Discovery in such an action is not authorized as a matter of course, but only with leave of court and based on a showing of good cause. Discovery has not been authorized in this case and thus the interrogatories filed on July 24, 2012, are of no effect. The petitioners request to use interrogatories to further expand the record by obtaining an evidentiary basis on which to submit evidence opposing that relied on by the hearing officer to find the petitioner guilty of misconduct [Dkt. 17] is **denied** because this court's review is limited to evidence considered by the hearing officer and because, in any event, even submission of evidence such as expected by the petitioner through the use of interrogatories would not establish the petitioner's entitlement to relief. This is because "[t]he Federal Constitution does not require evidence that logically precludes any conclusion but the one reached by the disciplinary board." *Superintendent of Walpole v. Hill*, 472 U.S. 445, 457 (1985),

2. The petitioner's motion for a further enlargement of time is linked to his intended use of the discovery process as described above. Because the court has determined that discovery will not be authorized in this action, a further extension of time is not warranted. The petitioner's motion for a further enlargement of time [Dkt. 18] is **denied**. Petitioner's Reply to the respondent's response to order to show cause remains due on August 16, 2012.

IT IS SO ORDERED.

Date: 07/27/2012



Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Distribution:

Kenneth Edward Scott
No. 910421
Pendleton Correctional Facility
Inmate Mail/Parcels
4490 West Reformatory Road
Pendleton, IN 46064-9001

Linda.Leonard@atg.in.gov