

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

DAVID PANNELL,)	
)	
Petitioner,)	
)	
vs.)	Case No. 1:12-cv-01301-JMS-DML
)	
SUPERINTENDENT, Indiana State Prison,)	
)	
)	
Respondent.)	

Entry Concerning Selected Matters

I.

The respondent’s third motion for extension of time [dkt. 60] is **granted**. The respondent shall have **through November 17, 2014**, in which to file an answer or return to order to show cause. The petitioner shall have **twenty (20) days** after service of such answer or return to order to show cause on him in which to reply.

II.

Rule 6(a) of the Rules Governing 2254 Cases, 28 U.S.C. 2254, allows habeas corpus petitioners to conduct civil discovery "if, and to the extent that, the judge in the exercise of his discretion and for good cause shown grants leave to do so, but not otherwise." *See Bracy v. Bramley*, 520 U.S. 899, 904 (1997) (A habeas petitioner, unlike the usual civil litigant in federal court, is not entitled to discovery as a matter of ordinary course). In order to be entitled to discovery, a petitioner must make specific factual allegations that demonstrate that there is good reason to believe that the petitioner may, through discovery, be able to garner sufficient evidence to entitle him to relief. *See id.* at 908-09.

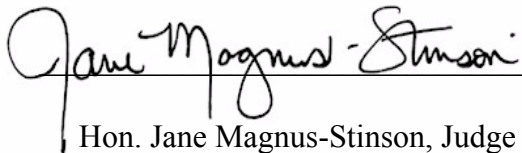
Discovery has not been authorized in this action and the respondent has not yet filed an answer to the petition, meaning that the court and the petitioner do not yet know whether, and to what extent or on what basis, his claims for relief are contested here. The petitioner's motion for the production of documents [56] and motion for leave to file motion for discovery [57] do not separately warrant discovery at this time. The motions [dcts. 56, 57] are therefore **denied**.

III.

Petitioner has also filed a motion that asks this court to order respondent to grant petitioner additional access to the prison law library [58]. The court recognizes petitioner's pro se status and will accommodate the special needs associated with petitioner's pro se status by adjusting the briefing schedules and other matters as warranted. The petitioner's motion to order respondent to grant petitioner additional access to the prison law library [dkt. 58] is **denied**.

IT IS SO ORDERED.

Date: October 2, 2014

A handwritten signature in black ink that reads "Jane Magnus-Stinson". The signature is written in a cursive style and is positioned above a horizontal line.

Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

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