

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

ROBERT DAVID NEAL,)
vs. Petitioner,)) No. 2:13-cv-199-JMS-WGH
JOHN C. OLIVER,)
Respondent.)

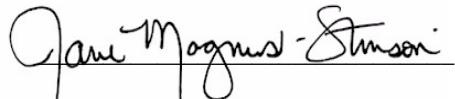
Entry Concerning Selected Matters

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

1. The motion to stay proceedings [dkt. 6] is **denied** because the measures sought and the authorities cited in such motion have no connection with the proper adjudication of Mr. Neal's petition for a writ of habeas corpus.
2. Rule 1(b) of the *Rules Governing Section 2254 Cases in the United States District Courts* provides that such Rules are appropriately applied to proceedings undertaken pursuant to 28 U.S.C. § 2241. *See, e.g., Patton v. Fenton*, 491 F.Supp. 156, 158–59 (M.D.Pa. 1979). Rule 6(a) of such *Rules* 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.

3. Discovery has not been authorized in this action for habeas corpus relief. The motion [dkt. 7] seeking discovery in the form of requests for admissions does not separately warrant discovery and is therefore **denied**.

IT IS SO ORDERED.



Date: 11/07/2013

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

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