

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

EUGENE SZYMANSKI,

Petitioner,

Case No. 05-10241

Honorable David M. Lawson

v.

PAUL RENICO,

Respondent.

ORDER DENYING PETITIONER'S MOTION TO SUPPLEMENT THE RECORD

The petitioner, Eugene Szymanski, presently confined at the Carson City Correctional Facility in Carson City, Michigan, filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The petitioner has filed a motion asking that he be allowed to supplement the record with a newspaper article discussing the reinvestigation of a forensic gunshot report issued by a forensic laboratory in Arizona. The Rules Governing Section 2254 Cases permit a district court judge to allow the parties to “submit additional materials relating to the petition,” but limits the materials that may be filed to “letters predating the filing of the petition, documents, exhibits, and answers under oath to written interrogatories propounded by the judge.” *See* Rule 7(a)-(b), Rules Governing Section 2254 Cases. The newspaper article does not meet the standard set out in Rule 7. An article about a forensics laboratory in Arizona has no bearing on the historical facts of this case and otherwise has no evidentiary value. Furthermore, this newspaper story does not fit within the categories of permissible materials allowed under Rule 7. Therefore, the Court will deny the petitioner’s motion.

Accordingly, it is **ORDERED** that the petitioner’s motion to supplement the record [dkt # 65] is **DENIED**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: October 21, 2010

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on October 21, 2010.

s/Deborah R. Tofil
DEBORAH R. TOFIL