

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL B. REED,

Petitioner,

Case Number: 07-10719

v.

HON. AVERN COHN

ANDREW JACKSON,

Respondent.

ORDER ON REMAND
REQUIRING PRODUCTION OF RELEVANT STATE COURT RECORD WITHIN
FOURTEEN (14) DAYS

I.

Petitioner Michael B. Reed filed a petition for a writ of habeas corpus under 28 U.S.C. § 2254, presenting several claims, including ineffective assistance of counsel. The Court ordered Respondent to file an answer to the petition and the relevant state court documents in accordance with Rule 5 of the Rules Governing Section 2254 cases. (Doc. 4). Thereafter, Respondent filed Rule 5 materials. (Doc. 8). On March 31, 2010, the Court denied the petition. (Doc. 10). Petitioner appealed.

The Court of Appeals for the Sixth Circuit granted a certificate of appealability solely on the issue of whether Petitioner's "counsel provided effective assistance of counsel when counsel failed to challenge [Petitioner's] warrantless arrest." Reed v. Jackson, No. 10-1734 (6th Cir. Mar. 24, 2011). On December 20, 2011, the Sixth Circuit vacated and remanded Petitioner's ineffective assistance of counsel claim for further proceedings, noting that the record did not appear to contain the entire transcript of the

state court evidentiary hearing relating to this claim.¹ Reed v. Jackson, No. 10-1734 (6th Cir. Dec. 20, 2011). The Sixth Circuit stated “[a] remand is necessary so that the district court may determine, on the basis of the entire state court record, whether the Michigan courts’ resolution of this issue was an unreasonable application of Supreme Court precedent.” Id. at 4.

Accordingly, Respondent shall file the entire transcripts of the state court evidentiary hearing within **FOURTEEN (14) DAYS** from the date of this order.

SO ORDERED.

S/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: January 13, 2012

I hereby certify that a copy of the foregoing document was mailed Michael Reed, 323335, St. Louis Correctional Facility, 8585 N. Croswell Road, St. Louis, MI 48880 and to the attorneys of record on this date, January 13, 2012, by electronic and/or ordinary mail.

S/Julie Owens
Case Manager, (313) 234-5160

¹It appears that the hearing was held on January 11, 14, and 22, 2002.