

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TRAVIS JONES,

Petitioner,

Case Number: 07-CV-13442

v.

HON. GEORGE CARAM STEEH

THOMAS K. BELL,

Respondent.

**ORDER DENYING PETITIONER'S MOTION FOR
EVIDENTIARY HEARING AND MOTION FOR DISCOVERY**

Petitioner Travis Jones, a state inmate currently incarcerated at the Carson City Correctional Facility in Carson City, Michigan, has filed a *pro se* petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254. Now before the Court are Petitioner's Motion for Evidentiary Hearing and Motion for Discovery.

Rule 8, Rules Governing Section 2254 Cases in the United States District Courts provides, in pertinent part:

[A]fter the answer and the transcript and record of state court proceedings are filed, [the Court] shall, upon a review of those proceedings and of the expanded record, if any, determine whether an evidentiary hearing is required. If it appears that an evidentiary hearing is not required, the judge shall make such disposition of the petition as justice shall require.

The Court concludes, after careful consideration of the answer and state court record, that an evidentiary hearing is not necessary at this time for the just resolution of Petitioner's claims.

Also before the Court is Petitioner's Motion for Discovery. Rule 6, Rules Governing Section 2254 Cases, provides that leave of court is required before a habeas corpus petitioner

may conduct discovery. The Court concludes that the discovery requested by Petitioner, production of an audiotape, is not necessary for a fair resolution of Petitioner's claims.

Accordingly, **IT IS ORDERED** that Petitioner's Motion for Evidentiary Hearing [dkt. #10] and Motion for Discovery [dkt. # 11] are **DENIED**.

Dated: January 7, 2009

S/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on January 7, 2009, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk