

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

FREDERICK FIELDS,

Petitioner,

v.

Case Number: 08-cv-10285
Honorable Patrick J. Duggan

THOMAS BIRKETT,

Respondent.

ORDER
GRANTING MOTION TO AMEND

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on August 4, 2009.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
UNITED STATES DISTRICT COURT JUDGE

On January 18, 2008, Petitioner Frederick Fields, a state inmate currently incarcerated at the Oaks Correctional Facility in Manistee, Michigan, filed a *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, asserting that he is being held in violation of his constitutional rights. (Dkt. # 1.) Petitioner was convicted of solicitation of murder, Mich. Comp. Laws § 750.157b(2), and first-degree murder, *id.* § 750.316(a), by a Wayne County, Michigan, Circuit Court jury. He was sentenced to thirty to sixty years in prison for the solicitation of murder conviction and life in prison for the first-degree murder conviction. The Court ordered Respondent to file a response to Petitioner's petition by July 29, 2008. Respondent complied. (Dkt. # 11.) The

necessary Rule 5 materials were filed on August 12, 2008. (Dkt. # 12.)

Now before the Court is Petitioner's motion to amend his habeas petition, which he filed on September 29, 2008, along with an amended petition. (Dkt. ## 15 and 18.) Petitioner requests that the Court permit him to amend his petition in order to add the recent Sixth Circuit Court of Appeals' decisions, *Jackson v. McKee*, 525 F.3d 430 (6th Cir. 2008), and *Desai v. Booker*, 538 F.3d 424 (6th Cir. 2008), which he contends could have an impact on his case.

Although Respondent has already filed a response, Federal Rule of Civil Procedure 15 provides that the Court should freely allow a party to amend when justice so requires. Fed. R. Civ. P. 15(a)(2). Here, the Court concludes that Respondent will not be prejudiced by allowing Petitioner to amend his petition to add the above-stated Sixth Circuit Court's decisions.

Accordingly, the Court **GRANTS** Petitioner's motion to amend his habeas petition, and deems the attached amended petition as filed. (Dkt. ## 15 and 18.)

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

Copies to:
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1500 Caberfae Highway
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Andrew L. Shirvell, A.A.G.