

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

MICHAEL LITTLE,

Petitioner,

v.

Case Number: 08-CV-12794

CARMEN PALMER,

Respondent.

**ORDER DENYING PETITIONER'S MOTION
FOR DISCOVERY OF DNA TEST EVIDENCE**

Petitioner Michael Little, a state prisoner incarcerated at the Michigan Reformatory in Ionia, Michigan, seeks the issuance of a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Pending before the court is Petitioner's "Motion for Discovery of DNA Test Evidence." For the reasons stated below, the court will deny the motion.

As a general rule, "[a] habeas petitioner, unlike the usual civil litigant in federal court, is not entitled to discovery as a matter of ordinary course." *Bracy v. Gramley*, 520 U.S. 899, 904 (1997). At this time, Petitioner has not made the requisite showing of "good cause" that the requested items are necessary to the disposition of his case. *Id.* at 908; 28 U.S.C. foll. § 2254, Rule 6(a). Petitioner has already filed a habeas petition and supporting materials. This court has ordered Respondent to submit the relevant state-court materials pursuant to Rule 5 of the Rules Governing Section 2254 Cases, due January 9, 2009. Should the court later determine that DNA evidence is necessary for the resolution of Petitioner's case, it can reconsider Petitioner's request and issue an appropriate order. Accordingly,

IT IS ORDERED that Petitioner's "Motion for Discovery of DNA Test Evidence" [Dkt. # 5] is DENIED without prejudice. Petitioner need not file any additional motions regarding this issue.

Additionally, IT IS ORDERED that the caption heading in all future pleadings filed with the court read, "Michael Little v. Carmen Palmer."

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: October 29, 2008

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 29, 2008, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522