

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

RICHARD LEE HASSELBRING,

Petitioner,

v.

Case Number: 08-CV-14845
Honorable George Caram Steeh

DEBRA SCUTT,

Respondent,

**OPINION AND ORDER GRANTING PETITIONER'S
MOTION TO EXPAND RECORD**

On November 18, 2008, Petitioner Richard Lee Hasselbring, through counsel, filed an application for writ of habeas corpus with this Court, pursuant to 28 U.S.C. § 2254. (Dkt. # 1.)

On November 24, 2008, the Court ordered Respondent to file an answer to the petition by May 26, 2008. (Dkt. # 2.) Before the Court now is Petitioner's "Motion to Expand Record."

(Dkt. # 3.) For the reasons stated below, the Court will grant Petitioner's motion.

Rule 7 (a) of the rules governing § 2254 cases, 28 U.S.C. foll. § 2254, indicates that if a habeas petition is not summarily dismissed, the district court judge "may direct the record be expanded by the parties by the inclusion of additional materials relevant to the determination of the merits of the petition." A federal district court judge may employ a variety of measures to avoid the necessity of an evidentiary hearing in a habeas case, including the direction to expand the record to include evidentiary materials that may resolve the factual dispute without the need for an evidentiary hearing. *Blackledge v. Allison*, 431 U.S. 63, 81-82 (1977).

In the present case, Petitioner requests the Court to expand the record to include the attached affidavit of Dr. Steven Miller. On the basis of the above, the Court will permit the record to be expanded to include the attached affidavit.

ORDER

Based upon the foregoing, Petitioner's motion to expand the record is **GRANTED**, and the affidavit of Dr. Steven Miller, attached to Petitioner's motion, is deemed filed.

Dated: December 1, 2008

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 December 1, 2008, by electronic and/or ordinary mail.

S/Josephine Chaffee
Deputy Clerk