

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TYRELL RICHARDSON,

Petitioner,

v.

Case No. 09-cv-11088
Honorable Avern Cohn

DEBRA L. SCUTT,

Respondent.

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ORDER DENYING PETITIONER'S MOTION FOR SPECIFIC DISCOVERY

I.

This is a habeas case under 28 U.S.C. § 2254. Petitioner Tyrell Richardson is a state inmate at the G. Robert Cotton Correctional Facility in Jackson, Michigan. Petitioner, proceeding pro se, filed a petition for a writ of habeas corpus, alleging that he is incarcerated in violation of his constitutional rights. Before the Court is Petitioner's motion for specific discovery, filed on October 8, 2009 [dkt. # 10]. For the reasons that follow, the motion is DENIED WITHOUT PREJUDICE.

II.

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). Respondent has not yet filed the necessary Rule 5 materials, which are due by November 4, 2009. After the Court receives the necessary Rule 5 materials, and after a careful review of those materials, it will then determine whether

additional discovery is necessary to resolve Petitioner's claims. Petitioner need not file any additional motions regarding this issue.

SO ORDERED.

s/ Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

Dated: October 20, 2009

I hereby certify that a copy of the foregoing document was mailed Tyrell Richardson, 601396, G. Robert Cotton Correctional Facility, 3500 N. Elm Road, Jackson, MI 49201 to the attorneys of record on this date, October 20, 2009, by electronic and/or ordinary mail.

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