

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

HENRY L. WILLIAMS,

Petitioner,

Case No. 16-cv-12820
Hon. Matthew F. Leitman

v.

CATHERINE S. BAUMAN,

Respondent.

ORDER DIRECTING RESPONDENT
TO FILE SUPPLEMENTAL RULE 5 MATERIALS

This matter has come before the Court on petitioner Henry L. Williams' *pro se* application for the writ of habeas corpus under 28 U.S.C. § 2254. The petition challenges Williams' plea-based convictions for armed robbery, conspiracy to commit armed robbery, and conspiracy to commit first-degree home invasion. Williams asserts that (1) the trial court abused its discretion in failing to abide by the *Cobbs*¹ evaluation at sentencing and by not sentencing him within the minimum sentencing guidelines range, (2-3) the trial court abused its discretion when scoring four offense variables of the Michigan sentencing guidelines, and (4) he should be allowed to withdraw his guilty plea because it was involuntary and

¹ See *People v. Cobbs*, 443 Mich. 276; 505 N.W.2d 208 (1993).

based on erroneous advice from counsel. The State has moved to dismiss the Petition on grounds that Williams failed to exhaust state remedies for all his claims and that the claims are moot because Williams appears to have received the relief he seeks. To fairly address the allegations in the Petition, the Court needs additional materials from the state court record.

Accordingly, **IT IS ORDERED THAT** the State shall file (1) the transcript of the July 22, 2015, hearing on Williams' motion to withdraw his guilty plea or for re-sentencing, and (2) the transcript of Petitioner's re-sentencing, held on July 29, 2015. If transcripts for these hearings currently do not exist, the Court orders that the proceedings held on July 22, 2015, and July 29, 2015, be transcribed and furnished to the Court pursuant to Rule 5(c) of the Rules Governing Section 2254 Cases in the United States District Courts. The deadline for filing these materials or an explanation why the items cannot be filed is **August 21, 2017**. Following receipt of the requested items, the Court will address the State's motion to dismiss the Petition without further notice.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: August 2, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 2, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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