

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

EDDIE HALL,

Petitioner,

v.

J.A. TERRIS,

Respondent,

CASE NO. 2:17-CV-12085

HONORABLE VICTORIA A. ROBERTS

UNITED STATES DISTRICT JUDGE

**ORDER GRANTING THE MOTION TO AMEND
PETITION FOR WRIT OF HABEAS CORPUS**

Petitioner filed a petition for writ of habeas corpus with this Court on June 27, 2017, seeking the issuance of a writ of habeas corpus pursuant to 28 U.S.C. § 2241. Petitioner challenges his sentence as a career offender under the Federal Sentencing Guidelines.

On July 24, 2017, Petitioner filed a motion to amend the petition for writ of habeas corpus. For the reasons that follow, the motion to amend the petition for writ of habeas corpus is **GRANTED**.

The decision to grant or deny a motion to amend a habeas petition is within the discretion of a federal district court. *Clemmons v. Delo*, 177 F. 3d 680, 686 (8th Cir. 1999); *citing to* Fed.R.Civ.P. Rule 15. Notice and substantial prejudice to the opposing party are the critical factors for the court to consider in determining whether an amendment to a habeas petition should be granted. *Coe v. Bell*, 161 F. 3d 320, 341-342

(6th Cir. 1998). A motion to amend a habeas petition may be denied when it has been unduly delayed and when allowing the motion would prejudice the nonmovant. *Smith v. Angelone*, 111 F. 3d 1126, 1134 (4th Cir. 1997)(internal citations omitted). However, delay by itself is not sufficient to deny a motion to amend. *Coe*, 161 F. 3d at 342.

The motion to amend the petition is granted. Petitioner's proposed amended habeas petition alleges additional support for his claim and would not unduly prejudice respondent. *See Riley v. Taylor*, 62 F. 3d 86, 92 (3rd Cir. 1995).

IT IS ORDERED that:

The Motion to Amend the Petition for Writ of Habeas Corpus [Dkt. # 4] is **GRANTED**.

S/Victoria A. Roberts
HON. VICTORIA A. ROBERTS
UNITED STATES DISTRICT COURT

DATED: July 28, 2017