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UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF MISSISSIPPI NORTHERN DIVISION

ERIC MOFFETT PETITIONER

VS.

CIVIL ACTION NO. 3:14CV639CWR

COMMISSIONER MARSHALL L. FISHER, Commissioner, Mississippi Department of Corrections, and JIM HOOD, Attorney General of the State of Mississippi

RESPONDENTS

ORDER DENYING AS PREMATURE MOTION TO SUPPLEMENT EVIDENCE AND AMEND ARGUMENT

This matter came before the Court on Petitioner's Motion for Leave to Supplement Evidence and Amend Argument [Doc. #11]. This Motion was filed contemporaneously with a Motion for Leave to File *Ex Parte* Application for Expert Assistance [Doc. #9]. The second Motion was granted; however, the Court has not yet authorized the Petitioner to hire an expert witness. Because the Motion currently before the Court cannot be decided until an expert witness has been approved and additional evidence derived thereby, the Court is of the opinion that it was filed prematurely and should be denied as such. This denial is without prejudice to the Petitioner's right to re-urge this relief after being granted permission to retain an expert and after additional probative evidence is obtained through that expert.

IT IS, THEREFORE, ORDERED that the Petitioner's Motion for Leave to Supplement Evidence and Amend Argument [Doc. #11] is hereby **denied** as premature. Petitioner may reurge this relief at a later date.

SO ORDERED, this the 31st day of March, 2016.

Hon. Carlton W. Reeves United States District Judge

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