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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MISSOURI EASTERN DIVISION

| VICTOR E. MOORE, |) | |
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| Petitioner, |) | |
| vs. |) Case No. 4 | :11CV 112 LMB |
| TROY STEELE, |) | |
| Respondent. |) | |

MEMORANDUM AND ORDER

This matter is before the court on the petition of Victor E. Moore for a writ of habeas corpus under 28 U.S.C. § 2254. Presently pending is petitioner's request for issuance of twelve subpoenas. (Document Number 16). For the reasons stated herein, petitioner's motion will be denied.

In his motion, petitioner requests that the court issue twelve subpoenas so that he may "file them against several state, local and federal agencies," for the purpose of obtaining "important documents needed to support [his] claims in this matter." (Doc. No. 16).

A petitioner seeking relief under habeas corpus, unlike a normal civil litigant in federal court, is not entitled to discovery as a matter of course, and the "broad discovery provisions' of the Federal Rules of Civil Procedure [do] not apply in habeas proceedings." <u>Bracy v. Gramley</u>, 520 U.S. 899, 904, 117 S. Ct. 1793, 1796-1797, 138 L.Ed.2d 97 (1997). Rather, discovery in habeas corpus cases is governed by Rule 6 (a) of Rules Governing Section 2254 proceedings in the United States District Courts, which states:

(a) Leave of Court Required. A judge may, for good cause, authorize a party to conduct discovery under the Federal Rules of Civil Procedure and may limit the extent of discovery. If necessary for effective discovery, the judge must appoint an attorney for a

petitioner who qualifies to have counsel appointed under 18 U.S.C. § 3006A.

Rule 6 (a), Rules Governing Section 2254 Cases in the United States District Courts (2011).

Whether to allow discovery in habeas proceedings in a particular case is in the sound discretion of

the district court. See Barron v. Keohane, 216 F.3d 692, 693 (8th Cir. 2001). In order to be

entitled to discovery of documents, a habeas petitioner must establish a use or need for such

documents. See Byrd v. Armontrout, 686 F. Supp. 743, 785 (E.D. Mo. 1988).

Petitioner has not shown good cause for the issuance of subpoenas. Petitioner does not

indicate what documents he seeks, who possesses the documents, or why these documents are

necessary to the resolution of his petition.

Accordingly,

IT IS HEREBY ORDERED that petitioner's request (Doc. No. 16) be and it is

denied without prejudice.

Dated this 27th day of May, 2011.

LEWIS M. BLANTON

UNITED STATES MAGISTRATE JUDGE