



**(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