

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

RICHARD L. BENISH,	)	4:10CV3241
	)	
Petitioner,	)	
	)	
v.	)	<b>MEMORANDUM</b>
	)	<b>AND ORDER</b>
ROBERT HOUSTON,	)	
	)	
Respondent.	)	

This matter is before the court on Petitioner’s Motion for Leave to Supplement the Record. (Filing No. [19](#).) In his Motion, Petitioner requested that Respondent file 16 additional state court records. In response, Respondent filed all appellate records, with the exception of two large exhibits that cannot be reproduced but are described in witness testimony. (Filing No. [25](#).) In light of this, Petitioner’s Motion is denied as moot.

IT IS THEREFORE ORDERED that: Petitioner’s Motion for Leave to Supplement the Record (filing no. [19](#)) is denied as moot.

DATED this 15<sup>th</sup> day of April, 2011.

BY THE COURT:  
s/ Joseph F. Bataillon  
Chief United States District Judge

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