

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

OSCAR A. PALOMINO-DUQUE,

)

CASE NO. 8:10CV211

)

Petitioner,

)

v.

)

**MEMORANDUM
AND ORDER**

)

FRED BRITTEN,

)

)

Respondent.

)

This matter is before the court on its own motion. Respondent has filed an Answer and Brief in this matter addressing the merits of Petitioner's allegations. (Filing No. [20](#) and [21](#).) However, Respondent did not support his Answer with the state court records relevant to the merits of Petitioner's claims. Specifically, in Respondent's Brief in support of Answer, Respondent asks this court to defer to the Douglas County District Court's January 19, 2010, order denying Petitioner post-conviction relief (see Filing No. [21](#) at CM/ECF pp. 10-13), however, Respondent failed to file the motion for post-conviction relief or the May 5, 2008, plea colloquy on which the district court's order is based.

IT IS THEREFORE ORDERED that: On the court's own motion, Respondent shall have until March 25, 2011, to file the motion for post-conviction relief and the May 5, 2008, plea colloquy on which the Douglas County District Court's January 19, 2010, order is based, and also any other state court records relevant to the merits of Petitioner's allegations.

DATED this 4th day of March, 2011.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge