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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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PATRICK OWEN MADSEN,

Petitioner,

v.

RENEE BAKER, *et al.*,

Respondents.

Case No. 3:14-cv-00573-MMD-WGC

ORDER

This is a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 (ECF No. 6.) Only Ground 4 of the petition remains pending for the Court's consideration. Respondents have answered the petition (ECF No. 28), and petitioner has filed a reply (ECF No. 29). Petitioner has also filed two requests for status checks (ECF Nos. 34 & 40) and a subpoena duces tecum (ECF No. 37), which respondents have moved to strike (ECF No. 38).

Ground 4 of the petition contains an assertion that petitioner "is entitled to his own statements." (ECF No. 6 at 10.) In isolation, it is not clear what petitioner means by this assertion. However, in light of his reply and other filings, the Court understands this to be a claim that the State violated *Brady v. Maryland*, 373 U.S. 83 (1963) when it allegedly failed to provide the defense with audio tape recordings of petitioner's August 4, 2006, interview with Officer Maribah Cowley. (See ECF Nos. 29, 34, 37 & 40.) Respondents' answer did not address this portion of Ground 4.¹

¹The failure is certainly understandable, as the claim is not clearly asserted within the four corners of the petition.

1 It is therefore ordered that respondents will file a supplement to their answer that
2 responds to this *Brady* claim within fifteen (15) days of the date of this order. In so doing,
3 respondents must file any relevant portions of the state court record that have not already
4 been filed with the Court, including but not limited to the State's answer to petitioner's
5 state habeas petition.

6 It is further ordered that petitioner will have fifteen (15) days after service of the
7 supplemental answer within which to file a supplemental reply.

8 It is further ordered that respondents' motion to strike (ECF No. 38) is granted. As
9 discovery has not been granted in this case, petitioner's subpoena duces tecum (ECF
10 NO. 37) is hereby stricken.

11 It is further ordered that, to the extent petitioner moves for discovery by way of the
12 subpoena duces tecum and his "requests for status check," the motion is denied without
13 prejudice to renew after the respondents have filed their supplemental answer.

14 It is further ordered that petitioner's July 10, 2017, request for status check and for
15 the State to produce evidence of a confession (ECF No. 34) and January 2, 2018, request
16 for status check and for this case to be heard (ECF No.40) are denied.

17 DATED THIS 7th day of March 2018.

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20 MIRANDA M. DU
21 UNITED STATES DISTRICT JUDGE
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