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2 UNITED STATES DISTRICT COURT
3 DISTRICT OF NEVADA
4

5 NOE ORTEGA PEREZ,

Petitioner,

6 v.

7 BAKER, WARDEN, et al.,

8 Respondents.

Case No. 3:17-cv-00538-HDM-CLB

ORDER

9
10 This counseled habeas petition pursuant to 28 U.S.C. § 2254
11 is pending before the court for consideration of the merits of the
12 petition. In its review of the record, the court is unable to
13 locate any transcript of the testimony of the victim, R.B., on the
14 final day of trial, October 21, 2009. (See Pet. Ex. 24 (Tr. 2);
15 Resp. Ex. 36).¹ A partial transcript indicates that the testimony
16 on that day was not transcribed. (Pet. Ex. 24). The court requires
17 the entire relevant state court record, including any testimony of
18 the victim that was heard by the jury, to evaluate the petitioner's
19 claims. Accordingly, within thirty days of the date of this order,
20 the respondents shall locate and file either a transcript of R.B.'s
21 testimony on October 21, 2009, or an audio recording thereof, as
22 a supplement to the state court record in this action.

23 IT IS SO ORDERED.

24 DATED: This 19th day of June, 2020.

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26 _____
UNITED STATES DISTRICT JUDGE

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28 ¹ Cited exhibits are located at ECF Nos. 20 & 29.