

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

Greg Schillinger

v.

Civil No. 12-cv-423-JD

New Hampshire State Prison Warden

ORDER

Before the court in this habeas action are three motions filed by petitioner Greg Schillinger (doc. nos. 6-8). In these motions, Schillinger seeks an order: (1) scheduling a hearing on his habeas petition; (2) appointing an expert to evaluate the reliability of the testimony of the minor victim in his criminal case, and to expand the record in this court to include the results of that evaluation; (3) obtaining from the New Hampshire Department of Safety a copy of Schillinger's criminal record, and expanding the record in this court to include that information; (4) directing the State to provide Schillinger and this court with transcripts of state court proceedings held in 2001 and 2003; and (4) directing third parties to provide this court with letters generated by Dr. Ralph Underwager, and to expand the record in this court to include those letters.

All of the relief requested by Schillinger is premature. This court has not yet completed its review of the facial

validity of Schillinger's habeas petition, and has not yet determined whether the respondent must answer the petition. If the respondent is directed to file an answer, the respondent will also file relevant portions of the transcript and briefs filed by Schillinger in the NHSC. See Rules 5(c)-5(d) of the Rules Governing Section 2254 Cases in the U.S. District Courts. Whether the record thereafter must be expanded, and whether a hearing is necessary, are issues to be decided only if, and after, this court requires the respondent to file its answer.

Conclusion

Schillinger's motions (doc. nos. 6-8) are denied as premature, without prejudice to refileing if this court directs respondent to answer the petition, and the respondent files a pleading responsive to that order.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated: February 1, 2013

cc: Greg Schillinger, pro se