

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JORGE RODRIGUEZ,

Petitioner,

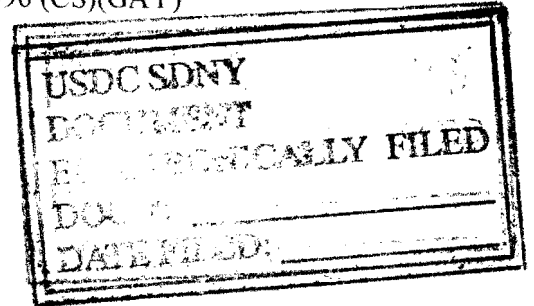
ORDER

10 Civ. 396 (CS)(GAY)

-against-

WILLIAM LEE, Superintendent,
Green Haven Correctional Facility,

Respondent.
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Petitioner Jorge Rodriguez has moved for a free copy of the trial transcripts from his state court proceedings related to this action. Petitioner generally claims that he is in need of said trial transcripts to reply to the response filed by Respondent in opposition to his habeas corpus application. Petitioner has not made any showing of a particularized need for the trial transcript. Petitioner at the very least must demonstrate some reasonably compelling reason why he needs the trial transcripts. Petitioner is not entitled to the transcripts “for the purpose of combing it in the hopes that something might turn up.” Buford v. Henderson, 524 F.2d 147, 153 (2d Cir. 1975)(citation omitted).

Moreover, a review of the habeas corpus application filed by the Petitioner reveals that he only raises issues alleging that he should not have been sentenced as a Mandatory Persistent Violent Felony Offender, the same issues he raised on direct appeal in state court. The need for trial transcripts to prepare a reply is not evident. Accordingly, the motion is denied.

Petitioner shall have until September 30, 2010 to submit any reply.

SO ORDERED:

George A. Yanthis

GEORGE A. YANTHIS, U.S.M.J.

Dated: August 25 2010
White Plains, New York

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8/25/10
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