

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA**

Spencer Kerry Curtiss,	)	
	)	
Petitioner,	)	<b>ORDER FOR FILING</b>
	)	<b>OF ADDITIONAL PARTS</b>
	)	<b>OF STATE COURT RECORD</b>
vs.	)	
	)	
Colby Braun, Warden,	)	
	)	Case No. 1:16-cv-00049
Respondent.	)	

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It is **ORDERED** that the following items from the state court records be marked, filed, and included in the record of this proceeding as follows:

- Exhibit 37 - Copy of State's Trial Exhibit #1 (the recording of the phone call between K.D. and the defendant) filed with state district court as Doc. ID #57 in Case No. 08-10-K-01650 as referenced in this case in Ex. 1.
- Exhibit 38 - Copy of State's Trial Exhibit # 16 (containing a video shown during trial) filed with state district court as Doc. ID #60 in Case No. 08-10-K-01650 as referenced in this case in Ex. 1.
- Exhibit 39 - Copies of State's Trial Exhibits 2-5 (photographs) ) filed with state district court as Doc. ID #58 in Case No. 08-10-K-01650 as referenced in this case in Ex. 1.
- Exhibit 40 - Curtiss's amended application for Post-Conviction Relief filed with state district court as Doc. ID #36 in Case No. 08-2012-cv-01810 as referenced in this case in Ex. 6.
- Exhibit 41 - Curtiss's second Application for Post-Conviction Relief signed by Curtiss on

August 12, 2014, including affidavits and exhibits supporting the application, filed with state district in Civil No. 08-2014-cv-1843 an incomplete copy of which is Ex. 13 in this case.

It is further **ORDERED**:

1. The above material be filed under seal given their sensitive nature.
2. The parties can make any objections they deem appropriate to the court's consideration of the material in their response to the undersigned's Report and Recommendation in this case with respect to the pending motion to dismiss, which will be forthcoming.

Dated this 13th day of March, 2019.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr.  
United States Magistrate Judge