

PEARSON, J.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

ELSEBETH BAUMGARTNER,	)	
	)	CASE NO. 1:10CV2810
Petitioner,	)	
	)	
v.	)	JUDGE BENITA Y. PEARSON
	)	
LaSHAUN EPPINGER, Warden,	)	<b>ORDER</b>
	)	[Resolving ECF Nos. <a href="#">64</a> , <a href="#">70</a> , <a href="#">71</a> , <a href="#">74</a> ,
Respondent.	)	and <a href="#">75</a> ]

On December 13, 2010, Petitioner Elsebeth Baumgartner filed a petition for a writ of habeas corpus pursuant to [28 U.S.C. § 2254](#) ([ECF No. 1](#)) alleging six grounds for relief which challenge the constitutional sufficiency of her conviction and sentence. The case was referred to Magistrate Judge Kenneth S. McHargh for a Report and Recommendation.

**I.**

***A. ECF No. 64***

Petitioner moves the Court for an Order compelling Respondent to file the complete trial court record including discovery and all transcripts which have already been transcribed, including exhibits entered at any transcribed hearing that are essential for review. She specifically identifies the internet web posts in context from Case No. CR-06-478555-A, the articles with comments from Erie Voices.com, the actual emails, and the federal lawsuits in Case No. CR-05-470184-A. Petitioner also requests that the Court order Respondent to supply her with the discovery in Case No. CR-06-478555-A in a form she can read. Respondent filed his

Answer/Return of Writ ([ECF No. 7](#)) on March 18, 2011. It includes 1,108 pages of bookmarked exhibits (ECF Nos. [7-1](#) through [7-4](#)).

***B. ECF No. 70***

Petitioner moves the Court for an Order correcting the record so that Petitioner's Objections to Report and Recommendation ([ECF No. 66](#)) and Objections to Memorandum and Order ([ECF No. 67](#)) contain the proper pages in each document. This motion is necessary because Petitioner sent her Objections in multiple envelopes with the request that the court clerk assemble the documents and file them.

Petitioner's Objections to Report and Recommendation is 19 pages long. It consists of PageID #: 2860-65 of [ECF No. 66](#) (6 pages), [ECF No. 68](#) (7 pages), and [ECF No. 69](#) (6 pages). Petitioner's Objections to Memorandum and Order is 13 pages long. It consists of [ECF No. 67](#) (7 pages) and PageID #: 2866-71 of [ECF No. 66](#) (6 pages).

***C. ECF No. 71***

Petitioner moves the Court for an enlargement of time until the Court rules on her prior objections or a stay until that time.

***D. ECF No. 74***

Petitioner moves the Court for leave to file a Corrected Document 66 - Objections to Report and Recommendation with the original filing date of October 26, 2012.<sup>1</sup>

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<sup>1</sup> Petitioner gave her Objections to Report and Recommendation to prison officials on October 26, 2012, even though they were not filed in the district court until October 30, 2012. Under the prisoner mailbox rule, [ECF No. 66](#) is considered filed when placed in the prison mail system. [Houston v. Lack, 487 U.S. 266, 276 \(1988\)](#).

*E. ECF No. 75*

Petitioner moves the Court for leave to file a Corrected Document 67 - Objections to Memorandum and Order with the original filing date of October 26, 2012.<sup>2</sup>

**II.**

Petitioner's Eighth Motion to Expand the Record ([ECF No. 64](#)) is denied.

Petitioner's Motion to Correct Record ([ECF No. 70](#)) is granted.

Petitioner's Motion for Enlargement of Time ([ECF No. 71](#)) is denied as moot.

Petitioner's Motion for Filing of Corrected Document 66 *Instante* ([ECF No. 74](#)) is granted. [ECF No. 74-1](#) is deemed filed as of October 26, 2012.

Petitioner's Motion for Filing of Corrected Document 67 *Instante* ([ECF No. 75](#)) is granted. [ECF No. 75-1](#) is deemed filed as of October 26, 2012.

IT IS SO ORDERED.

September 27, 2013  
Date

/s/ Benita Y. Pearson  
Benita Y. Pearson  
United States District Judge

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<sup>2</sup> Petitioner gave her Objections to Memorandum and Order to prison officials on October 26, 2012, even though they were not filed in the district court until October 30, 2012. Under the prisoner mailbox rule, [ECF No. 67](#) is considered filed when placed in the prison mail system. [Houston, 487 U.S. at 276.](#)