

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

JASON TUCKER,	:	
	:	
Petitioner,	:	Case No. 3:11cv00330
	:	
vs.	:	District Judge Walter Herbert Rice Magistrate Judge Sharon L. Ovington
	:	
STATE OF OHIO,	:	
	:	
Respondent.	:	

ORDER

In response to Jason Tucker's petition for writ of habeas corpus, Respondent asserts that Tucker's Fourth Amendment search and seizure challenges to his convictions are not cognizable under *Stone v. Powell*, 428 U.S. 465 (1976).

The record in the present case does not contain a transcript of the evidentiary hearing held by the trial judge in the Clark County Court of Common Pleas concerning Tucker's motion to suppress. In interest of resolving the instant case based on a complete record, inclusion of the evidentiary-hearing transcript is warranted.

Accordingly, **on or before July 1, 2012**, Respondent shall file the transcript of the state court's evidentiary hearing (held on July 2, 2009) concerning Tucker's motion to suppress in *State of Ohio v. Jason Tucker*, Case No. 09-CR-383, Clark County, Ohio Court of Common Pleas. (See Doc. #6, Exhibit 6).

June 7, 2012

s/Sharon L. Ovington
Sharon L. Ovington
United States Magistrate Judge