

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

GLEN HUGHIE LOVIN, JR.,)
)
 Petitioner,)
)
 v.)
)
 TRACY McCOLLUM, Warden,)
)
 Respondent.)

No. CIV 14-384-RAW-KEW


OPINION AND ORDER
DENYING MOTION FOR EVIDENTIARY HEARING

Petitioner has filed a motion requesting the court to hold an evidentiary hearing on issues concerning his petition for a writ of habeas corpus. “[R]eview under §2254(d)(1) is limited to the record that was before the state court that adjudicated the claim on the merits.” *Cullen v. Pinholster*, 563 U.S.170, ___, 131 S.Ct. 1388, 1398 (2011). Section 2254(d)(1) “requires an examination of the state-court decision at the time it was made. It follows that the record under review is limited to the record in existence at the same time *i.e.*, the record before the state court.” *Id.* Therefore, the documents petitioner wants the court to consider cannot be the subject of an evidentiary hearing.

ACCORDINGLY, petitioner’s motion (Docket No. 12) is **DENIED**.

IT IS SO ORDERED this 18th day of August 2015.

Dated this 18th day of August, 2015.


Ronald A. White
United States District Judge
Eastern District of Oklahoma