

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Willie Chapman,)	C/A No.: 5:13-cv-00605-RMG-KDW
)	
)	
Petitioner,)	
)	
v.)	ORDER
)	
Warden of Manning Correctional)	
Institution,)	
)	
<u>Respondent.</u>)	

Petitioner brought this habeas action pursuant to 28 U.S.C. § 2254. This matter is before the court on Petitioner’s Motion to Produce, ECF No. 15, filed on March 26, 2013, and Motion to Compel Discovery, ECF No. 18, filed on April 18, 2013. Respondent opposes Petitioner’s Motion to Produce, however, Respondent indicates that the plea hearing and PCR transcripts requested by Petitioner in his Motion to Produce are “part of the appendix from the post-conviction relief action appeal” and that “the appendix, with the transcripts, will be included in the Return and a copy served on Petitioner.” ECF No. 16.

Rule 6 of the Rules Governing Section 2254 Cases states, in part, that:

- (a) Leave of Court Required. A judge may, for good cause, authorize a party to conduct discovery under the Federal Rules of Civil Procedure and may limit the extent of discovery.
- (b) Requesting Discovery. A party requesting discovery must provide reasons for the request. The request must also include any proposed interrogatories and requests for admission, and must specify any requested documents.

Petitioner has not sought leave of this court to file any discovery requests nor has the court authorized Petitioner to conduct discovery. Further, Respondent has indicated that the discovery material requested by Petitioner will be served on Petitioner when Respondent files its

Return. Accordingly, Petitioner is not entitled to discovery and his motion to produce, ECF No. 15, and motion to compel discovery, ECF No. 18, is DENIED.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Kaymani D. West". The signature is written in a cursive, flowing style.

April 19, 2013
Florence, South Carolina

Kaymani D. West
United States Magistrate Judge