

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

JOSHUA HILL-WILLIAMS,
Petitioner,
v.
KENNETH NELSON,
Respondent.
Case No. 2:23-cv-02382-SHL-atc

ORDER GRANTING RESPONDENT’S MOTION TO WAIVE FILING
REQUIREMENT FOR PHYSICAL EXHIBITS

Before the Court is Respondent Warden Kenneth Nelson’s Motion to Waive Filing Requirement for Physical Exhibits, filed December 2, 2024. (ECF No. 12.)

On June 23, 2023, Petitioner Joshua Hill-Williams, Tennessee Department of Correction prisoner number 555454, an inmate at the Riverbend Maximum Security Institution in Nashville, Tennessee, filed a pro se Petition Under 28 U.S.C. § 2254 for a Writ of Habeas Corpus by a Person in State Custody. (ECF No. 1.) Petitioner filed an amended § 2254 petition on September 8, 2023 (“Amended Petition”). (ECF No. 8.) On November 5, 2024, the Court ordered Respondent to file an answer or otherwise respond to the Amended § 2254 Petition. (ECF No. 9.) Now, Respondent seeks to waive the filling of the complete state court record as required by the Court’s November 5, 2024 order. (ECF No. 12.)

Under Rule 5 of the Rules Governing Section 2254 Cases, if the Court orders the respondent to file an answer, the respondent must also file the state-court record. Dotson v. Pounds, No. 3:23-cv-00099, 2024 WL 1313883, at *3 (M.D. Tenn. Mar. 27, 2024). Respondent seeks to waive Rule 5’s requirement because the filing is “both unnecessary and irrelevant.” (ECF No. 12 at PageID 1668.) Respondent states that the record contains several physical

exhibits that were introduced into evidence during Petitioner's jury trial, which do not relate to the Court's determination of whether the Amended Petition is barred by the statute of limitations.

(*Id.* at PageID 1668.)¹

The Court finds Respondent's arguments well-taken. For good cause shown, Respondent's Motion is **GRANTED**.

IT IS SO ORDERED, this 6th day of January, 2025.

s/ Sheryl H. Lipman
SHERYL H. LIPMAN
CHIEF UNITED STATES DISTRICT JUDGE

¹ Because Petitioner is incarcerated in a Tennessee Department of Correction facility and not easily available for consultation, Respondent has not consulted with Petitioner about the Motion. (ECF No. 12 at PageID 1668.) Petitioner has not responded to Respondent's Motion.