

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CLARK ELMORE,

Petitioner,

v.

STEPHEN SINCLAIR,

Respondent.

Case No. C08-0053RBL

ORDER

THIS MATTER comes on before the above-entitled Court upon Petitioner's Motion to Require Respondent to Provide the Court With All Relevant Records, or Alternatively, to Expand the Record [Dkt. #37]. Having considered the entirety of the records and file herein, the Court finds and rules as follows:

Petitioner indicates that there remains two categories of documents which are not included in the record before this Court: (1) previously sealed *ex parte* motions and orders from the Washington Supreme Court relating to petitioner's Personal Restraint Petition and his requests for expert services; and (2) the "aggravated murder report" database used by the Washington Supreme Court to conduct its proportionality review. The Court prefers to decide issues after review of all potentially relevant information; therefore, Petitioner's Motion [Dkt. #37] is **GRANTED** as to both categories of documents pursuant to Rule 5, Rules Governing Section 2254 cases in the United States District Courts and CR 104(i)(1), Local Rules W.D. Wash. Respondent shall lodge the documents with the Court as soon as

1 practical but no later than August 28, 2009.

2 Furthermore, on or before August 28, 2009 the parties shall jointly file with the Court a proposed
3 briefing scheduling on petitioner's intended motion for an evidentiary hearing.

4 **IT IS SO ORDERED.**

5 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party
6 appearing pro se.

7 Dated this 30th day of July, 2009.

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10 RONALD B. LEIGHTON
11 UNITED STATES DISTRICT JUDGE
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