

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHAEL SUBLETT,

Petitioner,

V.

DONALD R HOLBROOK,

### Respondent.

CASE NO. 3:17-cv-05672-BHS-JRC

**ORDER TO SHOW CAUSE OR  
FILE SUPPLEMENT**

The District Court has referred this petition for a writ of habeas corpus to United States Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner filed the petition pursuant to 28 U.S.C. § 2254.

Petitioner, represented by counsel, filed his petitioner in August of 2017. Dkt. 1. Along with their answer, respondent provided the Court with the state court record. Dkts. 6, 7, 9. In the record, respondent included the Washington Court of Appeals decision denying petitioner's personal restraint petition (Dkt. 9, Ex. 26), as well as an order directing the Thurston County

1 Superior Court to hold a reference hearing (Dkt. 9, Ex. 22) and the Thurston County Superior  
2 Court's findings of fact regarding the hearing (Dkt. 9, Ex. 23). However, respondent did not  
3 include a transcript of the hearing. Though, as respondents correctly note, the Court of Appeals  
4 read the findings of fact as verities on appeal and did not cite to the transcript (Dkt. 9, Ex. 26 at  
5 11), petitioner did cite to the transcript in his petition (*see* Dkt. 1 at 4).

6 Therefore, it is ORDERED:

7 1) Respondent is directed to show cause why the state record they submitted is already  
8 complete or, in the alternative, to provide the Court with a copy of the transcript from  
9 the superior court reference hearing on or before February 9, 2018.

10 2) The Clerk is directed to note the above due date on the docket for this case.

11 Dated this 10th day of January, 2018.

12   
13 J. Richard Creatura  
14 United States Magistrate Judge