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8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 MICHAEL SUBLETT,

11 Petitioner,

12 v.

13 DONALD R HOLBROOK,

14 Respondent.

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

ORDER TO SHOW CAUSE OR
FILE SUPPLEMENT

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16 The District Court has referred this petition for a writ of habeas corpus to United States
17 Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. §
18 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4. Petitioner filed the
19 petition pursuant to 28 U.S.C. § 2254.


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

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