

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

RONNIE L. FAMOUS,

Petitioner,

v.

Case No. 10-C-707

BRYAN BARTOW,

Respondent.

ORDER DENYING MOTION TO AMEND

Petitioner Ronnie L. Famous filed a petition seeking federal habeas corpus relief under 28 U.S.C. § 2254 on August 17, 2010. The case was transferred to the undersigned on December 19, 2018, at which time the court screened the Amended Petition and directed the respondent to file an answer. The respondent has not yet done so. Now before the court is Famous' "Motion to Amend Petition to Add Motion for a Hearing to Supplement the Record Claim." ECF No. 46. The motion will be denied. A motion for a hearing is not part of a petition, nor should a petition seeking federal habeas relief be amended to include a motion for hearing. Evidentiary hearings on motions for federal relief under § 2254 are rare. This is because of the deferential standard of review that applies under that section. But under some circumstances, an evidentiary hearing is possible. 28 U.S.C. § 2254(e)(2). Any motion for such a hearing at this time, however, is premature. The respondent has not yet filed an answer and it is not even clear whether Famous' petition is timely. Under these circumstances and for these reasons, the motion is denied.

SO ORDERED this 22nd day of February, 2019.

s/ William C. Griesbach
William C. Griesbach, Chief Judge
United States District Court