

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

UNITED STATES OF AMERICA,
Plaintiff,

v.

Case No. 6:93-cr-10036-JTM-1

DARNELL REEVES,
Defendant.

MEMORANDUM AND ORDER

This matter is before the court on defendant Darnell Reeves' Motion for Discovery. Dkt. 100. Defendant alleges that he is "in the process of trying to file a [Johnson] claim" and requests "a copy of the discovery material that was filed in this case, including but not limited to police reports, interviews, F.B.I. report, [etc]." *Id.* at 1.

As an initial matter, none of the materials requested by defendant are maintained by the court. Moreover, defendant has not explained how such materials would help him assert a claim under *Johnson v. United States*, 135 S.Ct. 2551 (2015). A habeas petitioner, unlike the usual civil litigant, is not entitled to discovery as a matter of ordinary course. *Curtis v. Chester*, 626 F.3d 540, 549 (10th Cir. 2010) (citing *Brace v. Gramley*, 520 U.S. 899, 904 (1997)). Absent a showing of some need, defendant is not entitled to an order of discovery.

IT IS THEREFORE ORDERED this 25th day of August, 2016, that defendant Darnell Reeves' Motion for Discovery (Dkt. 100) is DENIED.

s/ J. Thomas Marten
J. THOMAS MARTEN, JUDGE