

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ALEJANDRO ZAMORA-SOLORZANO,

Defendant.

**Case No. 06-20100
09-2576**

MEMORANDUM AND ORDER

Defendant Alejandro Zamora-Solorzano has filed a motion requesting copies of a search warrant issued in his case. (Doc. 141.) In that motion, Mr. Zamora-Solorzano explains that he would like to see a copy of the warrant “to determine if in fact there was probable cause within the warrant.”

Rule 6(a) of the Rules Governing Section 2255 Proceedings for the United States District Courts permits discovery with leave of the district judge “for good cause.” In order to show “good cause” under Rule 6(a), a petitioner must provide the court with “specific allegations [that] show reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that he is ... entitled to relief.” *Bracy v. Gramley*, 520 U.S. 899, 908-09 (1997) (quoting *Harris v. Nelson*, 394 U.S. 286, 300 (1969)). “Mere speculation” of some exculpatory material is “unlikely to establish good cause for a discovery request on collateral review.” *Strickler v. Greene*, 527 U.S. 263,

286 (1999).

Mr. Zamora-Solorzano has offered only his suspicion that the warrant might not have been supported by probable cause. That suspicion is insufficient to establish good cause for his discovery request, particularly when combined with the affidavit from his former attorney that the warrant contained sufficient probable cause.

IT IS THEREFORE ORDERED BY THE COURT that Mr. Zamora-Solorzano's motion (doc. 141) is denied. Mr. Zamora-Solorzano may file reply in support of his § 2255 by February 16, 2010.

IT IS SO ORDERED this 8th day of February, 2010.

s/ John W. Lungstrum

John W. Lungstrum
United States District Judge