

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

CHATHA M. TATUM,

Petitioner,

v.

CASE NO. 19-3228-SAC

DAN SCHNURR,

Respondent.

MEMORANDUM AND ORDER

This matter is before the Court on petitioner's motion to compel discovery and on respondent's motion for an extension of time to file the Answer and Return.

Petitioner's motion requests a court order directing the production of materials including all exculpatory evidence, statements by all prosecution witnesses, copies of all police reports, promises of leniency, and the affidavit of probable cause. He also seeks records related to the criminal action against another person.

"A habeas petitioner, unlike the usual civil litigant in federal court, is not entitled to discovery as a matter of ordinary course." *Curtis v. Chester*, 626 F.3d 540, 549 (10<sup>th</sup> Cir. 2010) (quoting *Bracy v. Gramley*, 520 U.S. 899, 904 (1997)). Under Rule 6(a) of the Rules Governing Habeas Corpus, a court "may, for good cause, authorize a party to conduct discovery under the Federal Rules of Criminal Procedure or Civil Procedure." The Tenth Circuit has held that "[g]ood cause is established 'where specific allegations before the court show reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that he is entitled to relief.'" *Wallace v. Ward*, 191 F.3d 1235, 1245 (10<sup>th</sup> Cir. 1999) (quoting *Bracy*,

520 U.S. at 908-09)). Here, because petitioner offers no specific allegations to suggest that the broad discovery he seeks would show that he is entitled to relief, the Court will deny the request for discovery.

The Court finds good cause is shown for respondent's request for additional time and grants the motion.

IT IS, THEREFORE, BY THE COURT ORDERED petitioner's motion to compel discovery (Doc. 5) is denied.

IT IS FURTHER ORDERED respondent's motion (Doc. 6) is granted and the time for filing an Answer and Return is extended to and including March 17, 2020.

**IT IS SO ORDERED.**

DATED: This 14th day of January, 2020, at Topeka, Kansas.

S/ Sam A. Crow  
SAM A. CROW  
U.S. Senior District Judge