

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

RAEKWON MILLER,

Petitioner,

v.

CASE NO. 21-3194-JWL

UNITED STATES ARMY,

Respondent.

ORDER

This matter is a petition for a writ of habeas corpus filed under 28 U.S.C. § 2241. Petitioner is confined at the Joint Regional Correctional Facility at Fort Leavenworth, Kansas. Petitioner challenges his conviction by general court-martial. The Court ordered Respondent to show cause on or before December 13, 2021, why the writ should not be granted, and granted Petitioner until January 13, 2022, to file a traverse. This matter is before the Court on Petitioner's motion for issuance of subpoenas (Doc. 23). Respondent has filed a response (Doc. 24) in opposition.

Petitioner seeks to conduct discovery regarding his court-martial case. Respondent opposes the motion, noting that Petitioner entered a guilty plea and arguing that the issues for review will be limited.

The Court finds that discovery is unnecessary at this time. "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 (10th Cir. 2010) (quoting *Bracy v. Gramley*, 520 U.S. 899, 904 (1997)). The Court may permit discovery under Habeas Rule 6 if the Petitioner provides "reasons" for the request and the Court finds "good cause" to allow discovery. *Id.* at Rules 6(a) and 6(b); *Smith v. Gibson*, 197 F.3d 454, 459 (10th Cir. 1999) (petitioner entitled to

discovery “if, and to the extent that, the [district court] judge in the exercise of his discretion and for good cause shown grants leave to do so, but not otherwise.”). Petitioner has not shown good cause for discovery. It is not apparent at this stage of the proceedings that the requested information would be material to the resolution of the Petition.

IT IS THEREFORE ORDERED BY THE COURT that Petitioner’s motion for issuance of subpoenas (Doc. 23) is **denied**.

IT IS SO ORDERED.

Dated November 29, 2021, in Kansas City, Kansas.

S/ John W. Lungstrum
JOHN W. LUNGSTRUM
UNITED STATES DISTRICT JUDGE