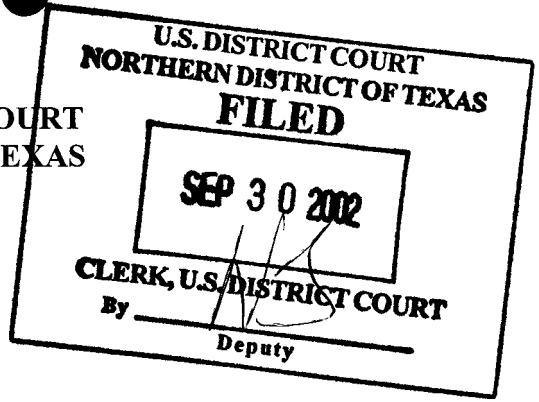


Copy ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION



GREGORY EDWARD WRIGHT,
PETITIONER,

§
§
§
§
§
§
§
§
§
§

v.

No. 3:01-CV-0472-M

JANIE COCKRELL, DIRECTOR,
TEXAS DEPARTMENT OF
CRIMINAL JUSTICE,
INSTITUTIONAL DIVISION,
RESPONDENT.



ORDER

The Court has before it Petitioner's motion for discovery entitled "Motion to Disclose Information and Memorandum" filed with the Court on February 26, 2002. In this motion, Petitioner requests that this Court order Respondent to produce numerous documents and objects. The motion does not specify a reason for the request.

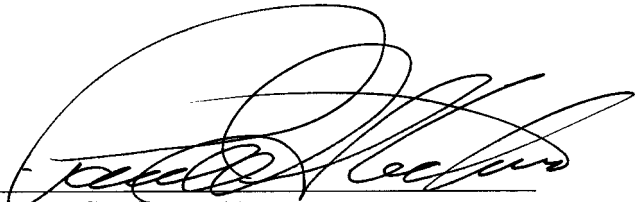
Under Rule 6(a) of the "Rules Governing Section 2254 Cases in the United States District Courts," a federal habeas petitioner may invoke the discovery process "if, and to the extent that, the judge in the exercise of his discretion and for good cause shown grants leave to do so, but not otherwise." See Fed. R. 6(a) Governing § 2254 Cases. Thus, a federal habeas petitioner, "unlike the usual civil litigant in federal court, is not entitled to discovery as a matter of ordinary course." *Bracy v. Gramley*, 520 U.S. 899, 904 (1997). In order to determine whether a habeas petitioner is entitled to discovery, a federal court must first identify the "essential elements" of his claims for habeas relief for which he seeks discovery. *Id.* Then, "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 . . .

1
HS

entitled to relief, it is the duty of the court to provide the necessary facilities and procedures for an adequate inquiry.” *Id.* at 908-9, citing *Harris v. Nelson*, 394 U.S. 286, 300 (1969). Nevertheless, the Fifth Circuit has repeatedly stated that Rule 6 does not authorize fishing expeditions and that conclusory allegations are not enough to warrant discovery. *Rector v. Johnson*, 120 F.3d 551, 558 (5th Cir. 1997); *Perillo v. Johnson*, 79 F.3d 441, 444 (5th Cir 1996); *Ward v. Whitley*, 21 F.3d 1355, 1367 (5th Cir. 1994).

Because Petitioner has not shown good cause for discovery, his motion is DENIED without prejudice to file an addition motion for discovery that alleges, with particularity, the necessity for discovery in this case.

Signed this 30 day of September, 2002.



PAUL D. STICKNEY
UNITED STATES MAGISTRATE JUDGE