

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

FERMIN CORONADO GALVEZ,

Petitioner,

2: 10 - cv - 485 - GEB TJB

vs.

JAMES D. HARTLEY,

Respondent.

ORDER

Petitioner, Fermin Coronado Galvez, is a state prisoner proceeding with a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. The undersigned issued Findings and Recommendations on December 6, 2011, recommending that the petition be denied. Petitioner was given twenty-one days from his receipt of the Findings and Recommendations to file any objections. According to the record, Petitioner was not served with the Findings and Recommendations until March 2, 2012, at the earliest. On March 21, 2012, Petitioner filed a motion for extension of time and a motion for discovery.

Petitioner's motion for extension of time appears to be timely, though it does not state the amount of time Petitioner requests that the deadline be extended. Based upon the representations made and only for this request, it is determined that good cause has been shown, and the request is granted. Petitioner shall be given one month from the date of this order to file his objections.

1 Petitioner is advised that no further extensions of time will be granted, except for verified and
2 extraordinary good cause shown.

3 Petitioner has also motioned this court to grant him limited discovery, specifically a
4 request that this court propound five distinct questions to the mother of the victim in this child
5 molestation case. However, this court's review is limited to the record that was available to the
6 state court. *See Cullen v. Pinholster*, __ U.S. __, 131 S.Ct. 1388, 1398, 1400 (2011) ("review
7 under § 2254(d)(1) is limited to the record that was before the state court that adjudicated the
8 claim on the merits" and "[i]f a claim has been adjudicated on the merits by a state court, a
9 federal habeas petitioner must overcome the limitation of § 2254(d)(1) on the record that was
10 before that state court."). As such, his request for discovery will be denied.

11 Accordingly, IT IS HEREBY ORDERED that:

- 12 1. Petitioner's request filed March 21, 2011 (Docket No. 38) for an extension of time
13 is GRANTED;
- 14 2. Petitioner shall file his objections to the Magistrate Judge's findings and
15 recommendations on or before May 2, 2012; and
- 16 3. Petitioner's motion for discovery (Docket No. 37) is DENIED.

17 DATED: April 2, 2012

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21 TIMOTHY J BOMMER
22 UNITED STATES MAGISTRATE JUDGE
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