

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

McGee v. Salinas Valley State Prison

McGee · No. No. 2:24-cv-1955 DAD CSK P · Decided June 24, 2025

SUMMARY

The United States District Court for the Eastern District of California denied without prejudice a state prisoner’s motion to compel and for sanctions seeking trial transcripts and discovery in a § 2254 habeas action. The court also denied a motion for reconsideration and request for subpoenas, while granting petitioner thirty days to file a reply to the answer.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Chi Soo Kim
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	June 24, 2025
DOCKET	No. 2:24-cv-1955 DAD CSK P
DISPOSITION	other
PROCEDURAL POSTURE	Petitioner brought a state-prisoner habeas action under 28 U.S.C. § 2254. While the habeas petition and respondent's answer were pending, petitioner moved to compel production of trial transcripts and discovery, sought sanctions, and moved for reconsideration and subpoenas. The court denied the motion to compel and for sanctions without prejudice, denied the motion for reconsideration and subpoena request, and extended the deadline for petitioner's reply.
STANDARD OF REVIEW	Motions to compel, sanctions, reconsideration, and subpoenas were evaluated under the applicable habeas discovery and record-access standards and the court's discretion.
PRECEDENTIAL VALUE	unpublished
PARTIES	Hawthorne McGee v. Salinas Valley State Prison

TOPICS

- federal habeas corpus
- discovery dispute
- sanctions
- motion for reconsideration
- pleadings

PRACTICE AREAS

federal habeas corpus

post-conviction relief

civil procedure

QUESTIONS PRESENTED

1. Whether the court should compel production of petitioner's trial transcripts and discovery or impose sanctions when a substantially similar request was pending in state court.
2. Whether petitioner was entitled to discovery or subpoenas in the § 2254 proceeding without first satisfying the applicable discretionary and good-cause requirements.
3. Whether petitioner's motion for reconsideration and request for subpoenas should be granted when the motion appeared directed to the California Supreme Court and did not alter the basis for denying the motion to compel.
4. Whether petitioner should receive additional time to reply to respondent's answer.

HOLDINGS

1. The court denied the motion to compel and for sanctions without prejudice because petitioner's substantially similar request for transcripts and discovery was pending in Sacramento County Superior Court. Petitioner could renew the request after resolution of the state proceeding, if appropriate.
2. A state prisoner has no constitutional right to a trial transcript merely to assist in preparing a federal collateral attack on a conviction. Copies under 28 U.S.C. § 2250 may be provided in the court's discretion when the petitioner supplies sufficient information to establish their necessity.
3. A habeas petitioner is not presumptively entitled to broad discovery; discovery is permitted only in the court's discretion and for good cause shown, and a requesting party must provide reasons for the request.
4. The motion for reconsideration and request for subpoenas was denied because it appeared directed to the California Supreme Court; construed as directed to the district court, it did not change the reasons for denying the motion to compel.

KEY QUOTATIONS

“a state prisoner does not have a constitutional right to a trial transcript to assist him in preparation of a federal collateral attack on his conviction.” (at 2)

“a habeas petitioner “does not enjoy the presumptive entitlement to discovery of a traditional civil litigant.”” (at 3)

“Rule 6(a) of the Rules Governing § 2254 Cases permits discovery “only in the discretion of the court and for good cause shown.”” (at 3)

“A court considering a habeas corpus petition is ordinarily limited to the state court record.” (at 4)

FACTUAL BACKGROUND

Petitioner, a state prisoner proceeding without counsel, claimed he lacked access to trial transcripts and discovery needed to support his federal habeas claims. He represented that a state-court writ of mandate seeking

the same materials remained pending in Sacramento County Superior Court. The record also included correspondence suggesting that petitioner's sister or counsel might possess portions of the appellate record.

PROCEDURAL HISTORY

McGee filed a § 2254 petition raising speedy-trial, ineffective-assistance, and statute-of-limitations claims. Respondent answered, but McGee did not yet file a reply. McGee represented that a writ of mandate seeking transcripts and discovery was pending in Sacramento County Superior Court; the district court denied his motions and permitted him to renew the transcript and discovery requests after resolution of that state proceeding, while granting thirty days to reply to the answer.

DISPOSITION

other

CASES CITED

- United States v. MacCollom, 426 U.S. 317, 323-328 (1976)
- Van Wyk v. Beard, 2016 WL 3381283, at *12 (C.D. Cal. Mar. 14, 2016), findings and recommendations adopted, 2016 WL 3388305 (C.D. Cal. June 13, 2016)
- Rich v. Calderon, 187 F.3d 1064, 1068 (9th Cir. 1999)
- Bracy v. Gramley, 520 U.S. 899, 904 (1997)
- Shoop v. Twyford, 596 U.S. 811, 819 (2022)
- Cullen v. Pinholster, 563 U.S. 170, 180 (2011)

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