

**UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA**

Kenneth Lamont Davis v. Steven Smith, Warden

No. 5:25-cv-01858-SPG-AGR, United States District Court for the Central District of California (January 5,
2026)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 CENTRAL DISTRICT OF
CALIFORNIA 10 Case No. 5:25-cv-01858-SPG-AGR 11 KENNETH LAMONT DAVIS,
ORDER ACCEPTING FINDINGS AND 12 Petitioner, RECOMMENDATION OF UNITED 13
v. STATES MAGISTRATE JUDGE 14 STEVEN SMITH, Warden, 15 16 Respondent. 17 18
Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition for Writ of Habeas 19 Corpus,
(ECF No. 1 (“Petition”)); the other records on file herein; the Report and 20 Recommendation of
the United States Magistrate Judge, (ECF No. 4 (“Report”)); and 21 Petitioner Kenneth Lamont
Davis’s Objections to the Report, (ECF No. 8 (“Objections”)).

22 Further, the Court has engaged in a de novo review of those portions of the Report to which 23
objections have been made. The Court accepts the findings and recommendation of the 24 Report.
25 In addition to the Objections, Petitioner has moved for discovery and an evidentiary 26
hearing. See (Objections at 6–8). “A habeas petitioner, unlike the usual civil litigant in 27 federal
court, is not entitled to discovery as a matter of ordinary course.” *Bracy v. Gramley*, 28 520 U.S.
899, 904 (1997).

In a habeas action, a court “may, for good cause, authorize a 1 || party to conduct discovery.” Rule
6(a), Rules Governing Section 2254 Cases in the United 2 || States District Courts. To show good
cause, a petitioner must demonstrate that “specific 3 || allegations before the court show reason to
believe that the petitioner may, if the facts are 4 || fully developed, be able to demonstrate that he
is... entitled to relief.” *Bracy*, 520 U.S. 5 909.

Although Petitioner states that he seeks discovery, he concedes that the requested 6 || recording of
his interview with police is already in his possession. See (Objections at 7). 7 || Thus, Petitioner
has not shown good cause for discovery and the requested discovery is not 8 || essential to develop
his grounds for relief.

Moreover, an evidentiary hearing is 9 || unwarranted because Petitioner’s factual allegations would
not entitle him to habeas relief 10 || for the reasons explained in the Report. See *Schriro v.*
Landrigan, 550 U.S. 465, 473-74 11 (2007). 12 IT THEREFORE IS ORDERED that judgment be
entered denying the Petition for 13 || Writ of Habeas Corpus and dismissing this action with
prejudice.

14 15 || DATED: January 5, 2026 □□. 16 17 UNITED STATES DISTRICT JUDGE 18 19 20 21
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