IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

GLADYS HARUN,	)	
Petitioner,	)	
v.	)	CR 323-003
UNITED STATES OF AMERICA,	)	
Respondent.	)	

O R D E R

Petitioner, an inmate at Alderson Federal Prison Camp in Alderson, West Virginia, has filed a motion under 28 U.S.C. § 2255 to vacate, set aside, or correct her sentence; she alleges various problems with her conviction, pursuant to 18 U.S.C. § 1001(a)(2), for making false statements in an application for an Economic Injury Disaster Loan from the Small Business Administration. (See doc. no. 57.) Neither the § 2255 motion, nor the declaration in support were signed by Petitioner, (doc. no. 58), and the Clerk of Court issued a deficiency notice, to which Petitioner has yet to respond, (see doc. no. 59).[1] Additionally, Petitioner filed three discovery-related motions, requesting the Court compel the production of certain documents and extend the time for her submit information in addition to the nearly 200 pages of exhibits

[1]As Petitioner has not yet signed the documents, the Court has not yet reviewed Petitioner's § 2255 motion in accordance with Rule 4 of the Rules Governing Section 2255 Proceedings to determine whether Respondent should be ordered to file a response.

already filed.[2] (See doc. nos. 56, 58, 61, 62.)

Prior to filing her § 2255 motion, Petitioner asked United States District Judge Dudley H. Bowen, Jr., for the documents she now seeks, and was denied. (See doc. nos. 53, 54, 55.) Judge Bowen denied the first motion to compel Jackson Hewitt Tax Service Company to "surrender various franchisee business documents" because there was not s nexus between the sought-after documents and a claim of ineffective assistance of counsel, and Petitioner had not shown the other requested documents were necessary to decide a particular claim of ineffective assistance. (See doc. no. 55.) Judge Bowen further explained that if Petitioner filed a § 2255 motion, she could invoke the civil discovery process upon a showing of good cause. (See id. at 4.)

Although Petitioner has now filed a § 2255 motion, albeit as yet unsigned, she has not made a showing of good cause for discovery, as she still fails to connect the sought-after discovery as relevant to resolving a particular claim in her § 2255 motion. "A 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). Rather, discovery may be had upon a showing of good cause, within the discretion of the district court. Ochoa v. United States, 45 F.4th 1293, 1301 (11th Cir. 2022), *cert. denied* 143 S. Ct. 1024 (U.S. Mar. 20, 2023); see also Rule 6(a) of the Rules Governing Section 2255 Proceedings. To demonstrate good cause, specific allegations must show "reason to believe that the petitioner may, if the facts are fully developed, be able to demonstrate that [s]he is entitled to relief." Ochoa, 45 F.4th at 1301

[2]One of these discovery motions was also not signed, (doc. no. 61), but the Clerk of Court did not issue a deficiency notice.

(citing Arthur v. Allen, 459 F.3d 1310-11 (11th Cir. 2006)); Brown v. United States, 583 F. Supp. 2d 1330, 1336 (S.D. Ga. 2008). Notably, however, "a habeas case is not a vehicle for a so-called fishing expedition via discovery, in an effort to find evidence to support a claim." Ochoa, 45 F.4th at 1301 (citation omitted).

In her discovery motions, Petitioner fails to demonstrate the information sought is relevant to a particular claim in her § 2255 motion.[3] That is, although she broadly makes conclusory allegations that the information sought will somehow support any one of her overarching claims of ineffective assistance of counsel or an improper government investigation, she does not provide a detailed explanation for why she needs the evidence. See United States v. Castillo, No. CR 113-199, 2019 WL 4747999, at *1 (S.D. Ga. Sept. 27, 2019) (finding no good cause for discovery under Rule 6 where petitioner did "not identify any specific documents or provide a detailed explanation for why he needs the evidence") (Bowen, J.). Petitioner has been able to formulate her § 2255 motion based on information or knowledge already within her possession, and she offers no concrete explanation as to why the information sought is necessary to further develop her claims. See Williams v. Humphrey, No. CV 412-106 2013 WL 3877750, at *3 (S.D. Ga. July 26, 2013) ("A petitioner must set forth specific allegations of fact, as to opposed to conclusory assertions, because Rule 6 does not authorize 'fishing expeditions.'"). Indeed, Petitioner has already provided the Court with hundreds of pages of exhibits.

[3]A cursory review of Petitioner's unsigned § 2255 motion and supporting declaration shows it is a difficult task to decipher Petitioner's claims because the motion does not "substantially follow" the form appended to the Rules Governing Section 2255 Proceedings, as is required by Rule 2 of those governing rules.

The law is clear that Petitioner is not entitled to obtain every document she believes has any connection to her financial activities, particularly when she pleaded guilty to her count of conviction and admitted the facts of her crime. (See doc. no. 8, p. 2 (recounting facts in written plea agreement, the accuracy of which was agreed to by Petitioner, necessary to satisfy the elements of the offense of conviction).) To the extent Petitioner believes any of the sought-after discovery supports a claim that any of her counsel's efforts in convincing the government to drop the original charges and replace them with a lesser charge, which cut Petitioner's sentencing exposure from a maximum term of imprisonment of twenty years to five years, she fails to explain any such connection. Nor does she explain how any of the sought-after information would otherwise specifically support her claim of an improper investigation by the government, particularly when she was the target of the government's investigation and would have access to her own financial records.[4]

In sum, Petitioner has again submitted overly broad discovery requests that are not specifically targeted to a particular claim in her § 2255 motion. Petitioner has not shown good cause for conducting additional discovery, as there is no distinct issue identified as needing further and specific investigation in support of a particular claim in her § 2255 motion. Accordingly, the Court **DENIES** the discovery motions, (doc. nos. 61,[5] 62), and **DENIES** as

[4]The Court is aware Petitioner states she and her family have unsuccessfully requested documents from Jackson Hewitt, but she provides no details about how the documents were requested or why any such requests were denied. (See doc. no. 61.)

[5]Petitioner's motion to compel records from Jackson Hewitt Tax Service is also subject to denial because it does not comply with the Court's Local Rules for two reasons: (1) the filing is not signed; and (2) there is no certificate of service showing it was served on Respondent. See Loc. R. 5.1 (certificate of service required); Loc. R. 11.1 (signature required). A motion may be summarily denied for failing to comply with the Local Rules. See Layfield v. Bill Heard Chevrolet Co., 607 F.2d 1097, 1099 (5th Cir. 1979).

MOOT the request for an extension of time to present additional evidence, (doc. no. 56).

Upon receipt of Petitioner's response to the Clerk's deficiency notice regarding a signature on Petitioner's § 2255 motion and declaration in support, the Court will review the § 2255 motion in accordance with Rule 4 of the Rules Governing Section 2255 Proceedings.

SO ORDERED this 27th day of February, 2025, at Augusta, Georgia.

Brian K. Epps

BRIAN K. EPPS
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA