

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SOUTHERN DIVISION

ROBERT CHARLES JORDAN, Jr., )

Petitioner, )

v. )

C. J. FITZHARRIS, Warden, )

Respondent. )

No. 44309

O R D E R

An order to show cause was issued in the above entitled action. Petitioner now moves that this court issue an order allowing him to secure affidavits to support his traverse.

That the court has the power to allow submission of affidavits in a habeas corpus proceeding cannot be questioned, 28 U.S.C.A. §2246.

But according to proper practice, it is felt that affidavits should be confined to the evidentiary hearing stage, should it come to that point.

At present it is sufficient that the court have before it the petition, the answer and the traverse. If a factual issue remains, the petitioner will then be allowed to produce his witnesses or their supporting affidavits.

Accordingly, this motion for permission to secure affidavits is DENIED.

DATED: NOVEMBER 21, 1965.

  
United States District Judge

is mailed to

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