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7 **UNITED STATES DISTRICT COURT**  
8 **EASTERN DISTRICT OF CALIFORNIA**  
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10 RICHARD LOUIS ARNOLD PHILLIPS,  
11                   Petitioner,  
12           v.  
13 KEVIN CHAPPEL, as Warden of San Quentin  
14 State Prison,  
15                   Respondent.

Case No. 1:92-cv-05167 AWI-SAB

DEATH PENALTY CASE

ORDER THAT PETITIONER'S COUNSEL  
SHOW CAUSE WHY DOCUMENTS  
SHOULD NOT BE RELEASED FROM SEAL

(ECF Nos. 357 & 358)

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17           This case was closed on June 12, 2013 following entry judgment granting in part  
18 Petitioner's writ of habeas corpus.

19           On April 22, 2015, Petitioner, acting pro se, filed a motion for reconsideration of U.S.  
20 Senior District Judge Anthony Ishii's April 9, 2015 order regarding Petitioner's July 11, 2014  
21 request relating to copies of court documents filed under seal in this proceeding.

22           On April 28, 2015, Judge Ishii issued an order construing Petitioner's motion for  
23 reconsideration as an original request for copies of sealed court documents, and assigning the  
24 matter to the undersigned. (ECF No. 358.)

25           Petitioner seeks copies of the following five documents filed under seal in this  
26 proceeding so he can use them in separate proceedings:

- 27           i.       A request for funding, consisting of four pages (ECF No. 294),  
28



1 It appears that all the documents were filed in 2003 and relate to Petitioner's application to this  
2 Court for CJA funding to investigate claims in this proceeding. As noted, judgment granting in  
3 part the underlying petition was entered on June 12, 2013 and the case closed. (ECF Nos. 353 &  
4 354.) The record does not include any notice of appeal.

5 Whether to unseal the documents in issue is now a matter for the Court's discretion. The  
6 documents sought by the pro se Petitioner include declarations of counsel. Therefore, the Court  
7 will provide such counsel with an opportunity to show cause why these documents should not be  
8 released from seal.

9 **III. ORDER**

10 For the reasons stated, it is HEREBY ORDERED that:

- 11 1. By not later than May 18, 2015, Petitioner's counsel in this action shall show  
12 cause, if any there be, why the above noted documents should not be released  
13 from seal for Petitioner's use in separate proceedings,
- 14 2. Counsel may file any confidential response to this order ex parte and under seal,  
15 and
- 16 3. Failure of Petitioner's counsel in this action to timely respond to this order shall  
17 constitute a waiver of any objection to releasing the above noted documents from  
18 seal for Petitioner's use in separate proceedings.

19 IT IS SO ORDERED.

20 Dated: April 30, 2015

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23 UNITED STATES MAGISTRATE JUDGE  
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