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

DEATH PENALTY CASE

ORDER UNSEALING DOCUMENTS 294-
297 AND 302 FILED IN SUPPORT OF
PETITIONER'S APPLICATION FOR CJA
FUNDING

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.

25 On May 1, 2015, the undersigned ordered that, by not later than May 18, 2015,
26 Petitioner's counsel to show cause why the noted documents should not be released from seal for
27 Petitioner's use in separate proceedings (ECF No. 359). Counsel was specifically advised
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1 therein that failure to timely respond shall waive any objection to releasing the documents from
2 seal. The May 18, 2015 deadline passed without counsel responding to the order to show cause.

3 Accordingly, for good cause shown and in light of the waiver of objection by Petitioner's
4 counsel by virtue of her failure to respond to the order to show cause, it is **HEREBY ORDERED**
5 that:

- 6 1. Petitioner's April 22, 2015 request for sealed court documents (ECF No. 357) is
7 **GRANTED** such that the following documents are released from seal for
8 Petitioner's use in separate proceedings:
 - 9 i. A request for funding, consisting of four pages (ECF No. 294),
 - 10 ii. An order regarding the budget for phase III, consisting of three
11 pages (ECF No. 295),
 - 12 iii. A declaration of Petitioner's counsel in support of funding,
13 consisting of three pages (ECF No. 296),
 - 14 iv. An amendment to the budget with supporting declaration of
15 Petitioner's counsel, consisting of five pages (ECF No. 297), and
 - 16 v. An order denying amendment to the phase V budget, consisting of
17 three pages (ECF No. 302).
- 18 2. The Court Clerk is directed to provide Petitioner with a copy of each of
19 the above documents at no cost to Petitioner.

20 IT IS SO ORDERED.

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22 Dated: May 20, 2015


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UNITED STATES MAGISTRATE JUDGE