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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

RONALD L. SANDERS,)	Case No. 1:92-cv-05471-LJO
)	
Petitioner,)	
)	<u>DEATH PENALTY CASE</u>
vs.)	
)	
ROBERT WONG, Acting Warden)	Order Regarding Petitioner's
of San Quentin State Prison,)	Motion for An Order Directing
)	Respondent to Submit Evidence
Respondent.)	

Petitioner Ronald L. Sanders ("Sanders") filed a motion seeking an order directing Respondent Robert Wong ("the Warden") to submit evidence whether harm was caused by the Warden's failure to comply with the Protective Order in this matter, with respect to the initial filing of the Warden's Post-Evidentiary Hearing Brief and Proposed Findings of Fact/Conclusions of Law, on April 10, 2009. Doc. 322. At the Warden's request, the document was converted to sealed status by the Clerk's Office April 13, 2009.

Sanders asserts the public filing of the Warden's brief violated the protective order issued in this matter, and contends the Warden should have the burden to establish whether there was any injury caused by the violation. In response to Sanders' motion, the Court undertook an internal inquiry into the

1 matter, and determined the Warden's brief had been accessed by at least one
2 person not a party to this proceeding. The details revealed by the internal
3 inquiry will be disclosed to the parties in a separate order filed under seal.

4 Based on the information disclosed in Sanders' motion, it is clear the public
5 disclosure was inadvertent, and no sanctions hearing will be held. The motion for
6 an order directing the Warden to submit evidence whether harm was caused by
7 the failure to comply with the Protective Order is DENIED.

8
9 IT IS SO ORDERED.

10
11 DATED: April 20, 2009

/s/ Lawrence J. O'Neill
United States District Judge