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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

JOHN LEE HOLT,  
  
                    Petitioner,  
  
          v.  
  
RON DAVIS, Warden Of San Quentin State  
Prison,  
  
                    Respondent.<sup>1</sup>

Case No. 1:97-cv-06210-DAD-SAB  
  
**DEATH PENALTY CASE**  
  
ORDER UPON CORRECTED STIPULATION  
REGARDING PETITIONER’S MEDICAL  
AND PSYCHIATRIC RECORDS  
  
(Doc. No. 269)

Before the court is the corrected stipulation of petitioner’s counsel, attorney Robert M. Myers and Assistant Federal Defender Jennifer Mann, and respondent’s counsel, Deputy Attorneys General Sean M. McCoy and Peter W. Thompson, filed June 14, 2017, to an order directing respondent to provide petitioner’s counsel with copies of petitioner’s medical and psychiatric records from May 1, 2016 to present, and directing petitioner’s counsel to provide copies thereof to respondent’s counsel subject to in camera review of any documents withheld pursuant to privilege log.<sup>2</sup>

The parties represent these are the same kind of records produced by respondent pursuant to the court’s orders dated March 25, 2015 (Doc. No. 228) and April 25, 2016 (Doc. No. 263),

<sup>1</sup> Pursuant to Federal Rule of Civil Procedure 25(d), Ron Davis, Warden of San Quentin State Prison, is substituted as respondent in place of his predecessor wardens.

<sup>2</sup> The corrected stipulation appears to supersede the stipulation and proposed order regarding petitioner’s medical records filed on June 14, 2017 (Doc. No. 268), which references expert publications addressed in a prior order (see Doc. No. 263).

1 but generated after respondent's production pursuant to those orders. The parties represent the  
2 circumstances and justification for production noted in those orders continue to exist and apply  
3 to the instant request. Based on the parties' stipulated representations and for the reasons  
4 discussed in the noted prior orders, the court finds good cause to grant the parties' request. See  
5 Rule 6, Rules Governing 28 U.S.C. § 2254 Cases; Rich v. Calderon, 187 F.3d 1064, 1068 (9th  
6 Cir. 1999) (discovery by habeas petitioner is available in the court's discretion for good cause  
7 shown).

8 Accordingly

- 9 1. Respondent Warden is directed to provide to petitioner's counsel, Assistant  
10 Federal Defender Mann, within 45 days of the filed date of this order, copies of  
11 medical and psychiatric records of petitioner, John Lee Holt, CDCR # E-58200,  
12 dated May 1, 2016 to present;
- 13 2. Assistant Federal Defender Mann, within 30 days of receipt of the records, is  
14 directed to provide respondent's counsel with copies thereof, provided that if  
15 there are any records that petitioner's counsel withholds, petitioner's counsel will  
16 submit copies of those records to the court under seal with a privilege log, a copy  
17 of which petitioner's counsel also will provide to respondent's counsel;
- 18 3. The records covered by this order shall be provided only to counsel for the parties  
19 and their designated representatives and solely for purposes incident to this  
20 proceeding, all copies of records provided hereunder shall be returned to the  
21 Warden, or their destruction certified in a writing served on the Warden, unless  
22 otherwise ordered by the court, not later than 30 days following the conclusion of  
23 the proceeding.

24 IT IS SO ORDERED.

25 Dated: June 16, 2017

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28 UNITED STATES DISTRICT JUDGE