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7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA  
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10 RODNEY JESSE SAN NICOLAS,

11 Petitioner,

12 v.

13 RON DAVIS, Warden of San Quentin State  
14 Prison,

15 Respondent.<sup>1</sup>  
16

Case No. 1:06-cv-00942-DAD-SAB

DEATH PENALTY CASE

ORDER GRANTING PETITIONER'S  
UNOPPOSED REQUEST TO FILE  
DOCUMENT UNDER SEAL

(Doc. No. 161)

17 Before the Court is petitioner's December 22, 2016 unopposed request to file under seal  
18 his memorandum of points and authorities regarding 28 U.S.C. § 2254(d) and the merits of his  
19 sealed claim 1. Petitioner states that the memorandum of points and authorities discusses  
20 confidential information contained in sealed claim 1 of his addendum petition and is covered by  
21 the court's September 23, 2015 order directing that all pleadings addressing sealed claim 1 be  
22 filed under seal.

23 Petitioner represents that he has discussed this matter with counsel for respondent,  
24 Deputy Attorney General Angelo Edralin, who does not oppose the instant request to file the  
25 document in question under seal.

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28 <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 this action in place of his predecessor wardens.

1 Accordingly, petitioner's sealing request (Doc. No. 161) is granted as follows:

- 2 1. The Clerk of the Court is directed to file under seal petitioner's sealed  
3 memorandum of points and authorities regarding 28 U.S.C. § 2254(d) and the  
4 merits of sealed claim 1, totaling thirteen (13) pages,
- 5 2. The foregoing document and the information contained therein constitutes  
6 confidential information which shall not be disclosed, in whole or part, to any  
7 person other than the court and court staff and individually named counsel for the  
8 parties for their use solely in connection with litigation of the habeas corpus  
9 proceeding pending before this court,
- 10 3. No publicly filed document shall include the document addressed herein and/or  
11 the information contained in that pleading unless authorized by the court to be  
12 filed under seal, and
- 13 4. All provisions of this order shall continue to be binding after the conclusion of  
14 this habeas corpus proceeding and specifically shall apply in the event of a retrial  
15 of all or any portion of petitioner's criminal case, except that both parties in this  
16 action maintain the right to request modification or vacation of this order upon  
17 entry of final judgment.

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19 IT IS SO ORDERED.

20 Dated: December 23, 2016

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23 UNITED STATES DISTRICT JUDGE  
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