

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

RODNEY JESSE SAN NICOLAS,

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

Petitioner.

V.

RON DAVIS, Warden of San Quentin State Prison,

## DEATH PENALTY CASE

**ORDER GRANTING REQUEST TO FILE  
DOCUMENT UNDER SEAL**

(Doc. No. 166)

## Respondent.

Before the court is respondent's September 15, 2017 request to file under seal his memorandum of points and authorities in opposition to the sealed portion of the petition for writ of habeas corpus (sealed claim 1 of the addendum petition). Respondent states the document proposed for sealing discusses confidential information contained in sealed claim 1.

The court previously ordered that all pleadings addressing sealed claim 1 be filed under seal and served upon opposing counsel. (*See* Doc. No. 156.)

Accordingly,

1. The Clerk of the Court is directed to file under seal respondent's memorandum of points and authorities in opposition to the sealed portion of the petition for writ of habeas corpus, totaling thirty-six (36) pages, with service upon only counsel for petitioner;

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1           2. The foregoing document and the information therein constitutes confidential  
2           information which shall not be disclosed, in whole or part, to any person other  
3           than the court and court staff and individually named counsel for the parties for  
4           their use solely in connection with litigation of the habeas corpus proceeding  
5           pending before this court;

6           3. No publicly filed document shall include the above document and/or the  
7           information therein unless authorized by the court to be filed under seal; and

8           4. All provisions of this order shall continue to be binding after the conclusion of  
9           this habeas corpus proceeding and specifically shall apply in the event of a retrial  
10           of all or any portion of petitioner's criminal case, except that either party  
11           maintains the right to request modification or vacation of this order upon entry of  
12           final judgment.

13 IT IS SO ORDERED.

14           Dated: September 18, 2017

*Dale A. Drayd*  
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16           UNITED STATES DISTRICT JUDGE

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