

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHNNY ARELLANO,

1:07-cv-01597 OWW MJS HC

Petitioner,

ORDER GRANTING RESPONDENT'S
REQUEST TO FILE LODGED DOCUMENT
NO. 28 UNDER SEAL

v.

[Doc. 42]

JAMES E. TILTON, Director,

Respondent.

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. Respondent is represented in this action by Laura Wetzel Simpton, Esq. of the Office of the Attorney General for the State of California.

Petitioner filed the instant federal petition for writ of habeas corpus on November 11, 2007. (Pet., ECF No. 1.) On January 26, 2010 Respondent filed an answer to the petition. (Answer, ECF No. 40.) On February 4, 2010 Respondent lodged documents in support of his answer as required by Rule 5(c)-(d) of the Rules Governing Section 2254 Proceedings. (Notice of Filing Lodged Docs., ECF No. 41.) Respondent also filed a request to file Lodged Document 28 under seal. (Req., ECF No. 42.)

Local Rule 141 allows the Court to seal documents only upon written order of the Court and upon the showing required by applicable law. See also Fed. R. Civ. P. 5.2, 26(c). Upon reviewing the request, the Court will file in the publicly available case file an order granting or denying the Request. However, the order shall identify the document for which sealing has been granted or denied by page number without revealing its contents. Local

1 Rule 141(d).

2 Generally, the content of sealed documents are of a nature that require the Court
3 to maintain the confidentiality of the document. Here, the state of California has deemed
4 the information contained in Lodged Document 28 as confidential and limited access to the
5 document to a limited number of individuals. See Cal. Penal Code § 1203.05; People v.
6 Connor, 115 Cal. App. 4th 669 (2004). “[T]he [California] Legislature intended to restrict
7 access to private information... and thereby restore a measure of the privacy lost during
8 the initial period of public access. However, this material also indicates that the Legislature
9 rejected a total restriction on access... and opted instead to simply limit the period of open
10 access.” Connor, 115 Cal. App. 4th at 684. This Court shall respect the privacy interests
11 of Petitioner created by California state law.

12 Based on the showing of good cause, Respondent’s motion to file Lodged
13 Document 28 under seal is GRANTED.

17 IT IS SO ORDERED.

18 Dated: September 7, 2010

/s/ Michael J. Seng
UNITED STATES MAGISTRATE JUDGE