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5 Attorney for Plaintiff, ROBERT CARSON

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7 UNITED STATES DISTRICT COURT  
8 EASTERN DISTRICT OF CALIFORNIA  
9 FRESNO DIVISION  
\* \* \* \* \*

10 ROBERT CARSON

CASE No.: 1:08-cv-468

11 Plaintiffs,

12 vs.

13 THE CITY OF FRESNO, officer  
14 DAVE UNRUH, an individual,  
15 officer JOHN OVERSTREET, an  
16 individual, and DOES 1-40,  
inclusive.

17 Defendants.

**APPLICATION TO FILE  
DECLARATION OF THORNTON  
DAVIDSON IN SUPPORT OF  
PLAINTIFFS MOTION TO MODIFY  
SCHEDULING ORDER OR,  
ALTERNATIVELY, FOR  
TERMINATING SANCTIONS, UNDER  
SEAL**

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20 \_\_\_\_\_/  
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22 Plaintiff ROBERT CARSON respectfully requests pursuant to Local Rule 141(d) and  
23 Fed. R. Civ. P. 39, that the DECLARATION OF THORNTON DAVIDSON IN SUPPORT OF  
24 PLAINTIFFS MOTION TO MODIFY SCHEDULING ORDER OR, ALTERNATIVELY, FOR  
25 TERMINATING SANCTIONS and its accompanying exhibits be filed confidentially and under  
26 seal.

27 The basis for this request is that the parties in this matter previously entered (and  
28 the Court signed on November 10, 2010) a protective order which protects the documents  
described in and included as exhibits to the declaration from being disclosed to the public. (See

1 Docket No. 37). Since the protected documents are described in and must be attached to the  
2 declaration, Plaintiff requests that both the declaration and its accompanying exhibits be filed  
3 confidentially and under seal.

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5 Dated on April 23, 2010 in Fresno, California.

6 THORNTON DAVIDSON & ASSOCIATES

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8 By: /S/ Thornton Davidson  
9 THORNTON DAVIDSON  
10 Attorneys for Plaintiff,  
11 RT CARSON

ROBE

12 **ORDER**

13 No good cause having been shown, the Court enters the follow order:

14 Plaintiff's application to file the DECLARATION OF THORNTON DAVIDSON  
15 IN SUPPORT OF PLAINTIFFS MOTION TO MODIFY SCHEDULING ORDER OR,  
16 ALTERNATIVELY, FOR TERMINATING SANCTIONS confidentially and under seal.

17 IS DENIED.

18  
19 IT IS SO ORDERED.

20  
21 Dated: 27 April 2010

/s/ Dennis L. Beck  
HON. JUDGE DENNIS L. BECK