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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
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11 JOHN MICHAEL BEAMES,

12 Petitioner,

13 v.

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

16 Respondent.

Case No. 1:10-cv-01429-AWI-SAB

DEATH PENALTY CASE

ORDER GRANTING PETITIONER'S
REQUEST FOR SEALING ORDER

(ECF No. 140)

17 Before the Court is Petitioner's October 21, 2015 notice of request to (1) file under seal a
18 Notice of Lodgment consisting of two (2) pages, and (2) lodge under seal Exhibit A thereto, a
19 Confidential Clerk's Transcript on Appeal 987 Motion and Orders ("Confidential 987
20 Transcript") prepared by the Tulare County Superior Court on October 24, 2001 and captioned
21 as a California Supreme Court document in Petitioner's automatic appeal, consisting of two
22 hundred seventy (270) pages.

23 Petitioner represents that the Confidential 987 Transcript is a confidential state court
24 record, sealed in state proceedings, which should be protected from disclosure in this proceeding.
25 Local Rule 141; see California Penal Code Section 987.9(d).

26 Petitioner has served Respondent with the above Notice of Lodgment and Confidential
27 987 Transcript proposed for sealing.
28

Respondent has not opposed Petitioner's sealing request and the time for doing so has passed. Local Rule 141(c).

Accordingly, for good cause shown, it is hereby ORDERED that Petitioner's request for a sealing order (ECF No. 140) is GRANTED as follows:

1. The Clerk of the Court is directed to (1) file under seal the Notice of Lodgment consisting of two (2) pages, and (2) lodge under seal Exhibit A thereto, the Confidential 987 Transcript consisting of two hundred seventy (270) pages,
2. The foregoing documents and the information therein constitute confidential information which shall not be disclosed, in whole or part, to any person other than the Court and Court staff and individually named counsel for the parties for their use solely in connection with litigation of the habeas petition pending before this Court,
3. No publicly filed document shall include the above documents and/or the information therein unless authorized by the Court to be filed under seal, and
4. All provisions of this order shall continue to be binding after the conclusion of this habeas corpus proceeding and specifically shall apply in the event of a retrial of all or any portion of Petitioner's criminal case, except that either party maintains the right to request modification or vacation of this order upon entry of final judgment.

IT IS SO ORDERED.

Dated: October 28, 2015


UNITED STATES MAGISTRATE JUDGE

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