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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA
11 FRESNO DIVISION

13 **ERIC WHEELER,**
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Plaintiff,
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v.
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KATHLEEN ALISON, et al.,
17
Defendants.

1:12-cv-00861-LJO-DLB
PROTECTIVE ORDER
Judge: The Honorable Dennis L. Beck
Trial Date: Not Set
Action Filed: May 25, 2012

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20 In the course of this litigation, Plaintiff Wheeler has demanded the production of
21 documents in discovery which Defendants contend contain confidential information which, if
22 shared or disclosed, could jeopardize the safety and security of institution(s) operated by the
23 California Department of Corrections and Rehabilitation (CDCR), its employees, inmates,
24 informants and their families, the Defendants, or other individuals. The Court orders the
25 following to protect the confidentiality of those documents:

- 26 1. The provisions of this Protective Order apply to the confidential records and
27 information (“confidential material”) designated by Defendants and/or CDCR as “Confidential,”
28 and those confidential records and information which the Court orders Defendants and/or CDCR

1 to produce following an *in camera* hearing. The Court-issued Protective Order applies because
2 those documents contain confidential information, which if shared, could jeopardize the safety
3 and security of CDCR institutions, its employees, inmates, informants and their families, the
4 Defendants, or other individuals.

5 2. The confidential material may be disclosed only to the following persons:

6 (a) Plaintiff Wheeler, and Wheeler's appointed or retained attorney(s) of record, if
7 any;

8 (b) The attorney(s) of record for Defendants and CDCR;

9 (c) Any paralegal, secretarial, or clerical personnel regularly employed by counsel
10 for Wheeler, Defendants, and CDCR, who are necessary to aid counsel for Wheeler, Defendants,
11 and CDCR in the litigation of this matter; and

12 (d) Court personnel and stenographic reporters necessarily involved in these
13 proceedings.

14 As Wheeler is an inmate, incarcerated at institutions operated by CDCR, is proceeding in
15 pro per, and claims to be indigent, Wheeler may not disclose confidential material to anyone he
16 claims he has hired and/or employed as a legal assistant, paralegal, secretary, or clerical
17 personnel, absent a further Order from this Court.

18 3. None of the confidential material or information contained within the confidential
19 material shall be shown to, discussed with, or disclosed in any other manner to any other inmate
20 or former inmate, any parolee or former parolee, or any other person not indicated in paragraph 2,
21 unless a written waiver expressly authorizing such disclosure has been obtained from counsel for
22 Defendants and CDCR, who maintains possession and control over the original confidential
23 material.

24 4. No person who has access to the confidential material, as set forth in paragraph 2,
25 shall copy any portion of the confidential material, except as necessary to provide a copy of the
26 confidential material to any other authorized individual listed in paragraph 2, or to submit copies
27 to the Court under seal in connection with this matter. Any copies made for such purpose will be
28 subject to this order. A copy of this order must be provided to any individual authorized to access

1 the confidential material before providing that individual with access to the confidential
2 material. Plaintiff and counsel for the parties shall maintain a record of all persons to whom
3 access to the confidential material has been provided. The Court and counsel for Defendants and
4 CDCR may request a copy of such record at any time to determine compliance with the Court's
5 order.

6 5. Any exhibits or documents filed with the Court that reveal confidential material, or
7 the contents of any confidential material, shall be submitted on purple or pink paper, filed under
8 seal, labeled with a cover sheet bearing the case name and number and the statement: "This
9 document is subject to a Protective Order issued by the Court and may not be copied or examined
10 except in compliance with that Order." Documents so labeled shall be kept by the Clerk of this
11 Court under seal and shall be made available only to the Court or counsel of record for the
12 parties. If any party fails to file confidential material in accordance with this paragraph, any party
13 may request that the Court place the filing under seal.

14 6. Any argument, discussion, or examination of any witness privy to the confidential
15 material as to any confidential information shall be done *in camera* and any record of such
16 argument, discussion, or examination shall be kept under seal. Plaintiff Wheeler and counsel for
17 each party shall only discuss in open court the summaries of confidential information as worded
18 by Defendants and/or CDCR contained in any non-confidential record (*i.e.*, the summaries of
19 confidential information as written in the CDCR 1030 Confidential Information Disclosure
20 Forms, informational chronologies, or other non-confidential records).

21 7. At the conclusion of the proceedings in this case, including any period for appeal
22 or collateral review, or upon other termination of this litigation, Plaintiff Wheeler and counsel for
23 Wheeler, if any, shall destroy all confidential materials and all copies of such material in
24 counsel's possession or return such materials to counsel for CDCR.

25 8. All confidential material in this matter shall be used solely in connection with the
26 litigation of this matter, or any related appellate proceeding and collateral review, and not for any
27 other purpose, including any other litigation or proceeding.
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9. Any violation of this order may result in sanctions by this Court, including contempt, and may be punishable by state or federal law.

10. The provisions of this order shall remain in effect until further order of this Court. The Court will provide counsel for Defendants and/or CDCR an opportunity to be heard should the Court find modification of this order necessary.

IT IS SO ORDERED.

Dated: January 21, 2015

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE