1 BENJAMIN B. WAGNER United States Attorney JUSTIN L. LEE Assistant United States Attorney 501 "I" Street, Suite 10-100 Sacramento, CA 95814 4 Telephone: (916) 554-2700 5 Attorneys for Respondent 6 7 UNITED STATES DISTRICT COURT 8 EASTERN DISTRICT OF CALIFORNIA 9 10 11 OMAR ROWE, CASE NO. 1:13-CV-00219-GSA (HC) 12 Petitioner, APPLICATION AND [PROPOSED] ORDER TO 13 SEAL PSR 14 PAUL COPENHAVER, Warden, 15 Respondent. 16 17 TO THE HONORABLE GARY S. AUSTIN, UNITED STATES MAGISTRATE JUDGE: 18 JUSTIN L. LEE, Assistant United States Attorney for the Eastern 19 District of California, applies to this Court and respectfully 20 represents as follows: 21 I have presented to this Court the Respondents Motion to 22 Dismiss, along with the germane exhibits. 23 2. Today I submitted to the Court directly, via electronic 24 mailing, a copy of the Petitioner's Presentence Investigation Report 25 (PSR), as Attachment 6 to the Declaration of Forest Kelly in support 26 of Respondent's Motion to Dismiss Petition for Writ of Habeas Corpus 27

Under 28 U.S.C. § 2241.

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The PSR should be filed under seal, under the rules of this 1 Court. 2 THEREFORE, the undersigned requests that the exhibit attached to 3 the Respondent's Motion to Dismiss Petition for Writ of Habeas Corpus 4 5 Under 28 U.S.C. § 2241 be sealed pursuant to Rule 460(a) of the Local Rules. 6 7 DATED: August 12, 2013 BENJAMIN B. WAGNER United States Attorney 8 9 /s/ Justin L. Lee By: JUSTIN L. LEE 10 Assistant U.S. Attorney 11 12 ORDER 13 The Court hereby orders that Petitioner's PSR, filed as 14 15 Attachment 6 to the Declaration of Forest Kelly in support of Respondent's Motion to Dismiss Petition for Writ of Habeas Corpus 16 Under 28 U.S.C. § 2241, in the above-referenced case, shall be sealed 17 until further order of the Court. 18 19 20 21 IT IS SO ORDERED. 22 Dated: **August 13, 2013** /s/ Gary S. Austin 23 UNITED STATES MAGISTRATE JUDGE 24 25 26 27

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