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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

KENYA DARRICK CALDWELL,

Plaintiff,

v.

CITY OF SELMA, et al.,

Defendants.

Case No. 1:13-cv-00465-SAB

ORDER GRANTING DEFENDANTS'
REQUEST TO PLACE DOCUMENTS
UNDER SEAL

(ECF No. 101)

Defendants filed a second motion for summary judgment in this action on January 26, 2015. On March 27, 2015, Plaintiff, proceeding pro se, filed an opposition to the motion for summary judgment. Subsequently, Defendants informed the Court that Plaintiff's opposition contained documents that were covered by stipulated protective orders that were issued in this action. Accordingly, at the direction of the Court, Defendants filed a request to place documents under seal on March 31, 2015 identifying the documents which are covered by the protective orders.

Defendants identify the following pages of Plaintiff's opposition that are covered under the protective orders that have been issued in this action:

- 1. Color copies of photographs taken by Fresno County Sheriff's Department of Officer Steven Burgamy, which is part of the Fresno County Sheriff's Department Photos Bates COS 172-67, COS 172-69, COS 172-73, COS 172-75 (pg. 35-38);

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2. Three (3) Screen shots of Iris Billing Module, a software program used by City of Selma, marked as Bates COS 000171 (pgs. 39-41);
3. Two (2) Black & white copies of photographs taken of Officer Steven Burgamy, marked as Bates COS 00015 (pg. 42);
4. Fresno County Sheriff's Department Physical Evidence Examination Report for Kenya Caldwell, marked as Bates COS 000066 to 000067 (pgs. 43-44);
5. Fresno County Sheriff's Department Recovered Property/Evidence Report, marked as Bates COS 000064 to 000065 (pgs. 45-46);
6. County of Fresno letter of January 18, 2007, referred to as the Officer Involved Shooting Report, marked as Bates COS 000012 to 000015 (pgs. 47-50);
7. Page 2 of Fresno County Sheriff's Department Incident Report Narrative, prepared by Deputy Robert Buenrostro, marked as Bates COS 000042 (pg. 51);
8. Page 1 of the Selma Police Departments Crime Report Narrative, prepared by Sgt. Frank Santillan, marked as Bates COS 000142 (pg. 52);
9. Fresno County Sheriff's Department Technical Services Report, prepared by Sgt. Leo Lopez, marked as Bates COS 000054 (pg. 56);
10. Fresno County Sheriff's Department Technical Services Report, prepared by Deputy Mark Eaton, marked as Bates COS 000062 and 000063 (pgs. 57-58);
11. Fresno County Sheriff's Department Recovered Property/Evidence Report, prepared by IB Mary Tigh, marked as Bates COS 000056 to 000057 (pg. 59);
12. Page 1 of Selma Police Department Crime Report Narrative, prepared by Investigator Gary Gass, marked as Bates COS 000146 (pg. 60);
13. Page 1 of Selma Police Department Crime Report, prepared by Officer Paul Ross, marked as Bates COS 000148 (pg. 61);
14. Page 2 of 2 of Selma Police Department Crime Report, prepared by Investigator Gary Gass, marked as Bates COS 000145 (pg. 62);
15. Page 2 of 2 of Selma Police Department Crime Report Narrative, prepared by Investigator Gary Gass, marked as Bates COS 000147 (pg. 64);
16. Page 2 of 2 of Selma Police Department Crime Report Narrative, prepared by Investigator Sgt. Frank Santillan, marked as Bates COS 000143 (pg. 65);
17. Page 1 of 2 of Selma Police Department Crime Report Narrative, prepared by Sgt. Frank Santillan, marked as Bates COS 000142 (pg. 66);

- 1 18. Page 1 of 2 of Selma Police Department Administrative Report, dated February
2 13, 2006, prepared by Lt. Robert Johnson re *Officer Steve Burgamy Discharge of*
3 *Department Weapon*, marked as Bates COS 000127 (pg. 67);
- 4 19. Page 2 of 2 of Fresno County Sheriff's Department Forensic Laboratory Report,
5 prepared by Robert R. Benavides, marked as COS 000068 (pg. 68);
- 6 20. Toxicology Report, prepared by T.D. H. Mineral King, marked as Bates COS
7 000124 (pg. 69);
- 8 21. Fresno County Sheriff's Physical Evidence Examination Report, prepared by
9 Robert R. Benavides, marked as Bates COS 000125 to 000126 (pgs. 70-71);
- 10 22. Page 13 of 30 of Fresno County Sheriff's Department's Interview of Officer
11 Steven Burgamy, taken by Detective Robert R. Buenrostro, marked as Bates COS
12 000105 (pg. 72);
- 13 23. Enlarged image of Fresno County Sheriff's Department's Officer Involved
14 Shooting Diagram, drawn by Hector Tello, including legend, marked as Bates
15 COS 000074 to 000075 (pgs. 73-74);
- 16 24. Photograph taken by Fresno County Sheriff's Department of the contents of
17 Plaintiff's pockets, marked as Bates COS 00172-54 (pg. 75);
- 18 25. Photograph taken by Fresno County Sheriff's Department's in the ambulance,
19 marked as Bates COS 00172-61 (pg. 76);
- 20 26. Three (3) Photographs taken by Fresno County Sheriff's Department of Plaintiff's
21 injuries, marked as Bates Nos. COS 00172-31, COS 00172-55, COS 00172-58
22 (pgs. 77-79);
- 23 27. Fresno County Sheriff's Department Technical Service Report, prepared by Sgt.
24 Leo Lopez, marked as Bates COS 000054 to 000055 (pgs. 80-81);
- 25 28. Page 2 of 2 of Selma Police Department Administrative Report, dated February
26 13, 2006, prepared by Lt. Robert Johnson re *Officer Steve Burgamy Discharge of*
27 *Department Weapon*, marked as Bates COS 000128 (pg. 82);
- 28 29. Page 1 of 4 of Selma Police Department Policy Manual Section 300 *Use of Force*,
marked as Bates COS 000129 (pg. 83);
30. Pages 22 through 25 and Pages 14 through 15 of Fresno County Sheriff's
Department's Interview of Officer Steven Burgamy, taken by Detective Robert R.
Buenrostro, as part of the Internal Investigation of Officer Burgamy, marked as
Bates COS 000114 to 000117 and COS 000106 to 000107 (pgs. 84-89);

1 31. Pages 11 and 12 of Fresno County Sheriff's Department's Interview of Plaintiff,
2 taken by Detective Robert R. Buenrostro, as part of the Internal Investigation of
3 Officer Burgamy which has original Bates COS 000086 to 000087 (pgs. 90-91).

4 Plaintiff is advised that he is bound by the protective orders issued in this action and that
5 sanctions may be issued for failure to comply with the terms of the stipulated protective orders.

6 Accordingly, IT IS HEREBY ORDERED that the Office of the Clerk shall remove pages
7 35-52, 56-62, and 64-91 from Plaintiff's opposition (ECF No. 93) and file them under seal as
8 exhibits to Plaintiff's opposition to the motion for summary judgment.

9 IT IS SO ORDERED.

10 Dated: April 1, 2015


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UNITED STATES MAGISTRATE JUDGE