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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

STEPHEN DUNCKHURST,

Petitioner,

v.

CONNIE GIPSON,

Respondent.

Case No. 1:13-cv-01096-AWI-MJS
**ORDER GRANTING RESPONDENT'S
REQUEST TO FILE LODGED
DOCUMENT UNDER SEAL**
(Doc. 19)

Petitioner is a state prisoner proceeding with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

Petitioner filed the instant federal petition for writ of habeas corpus on July 17, 2013. (Pet., ECF No. 1.) On December 24, 2013, Respondent filed an answer to the petition. (Answer, ECF No. 18.) Respondent lodged documents in support of his answer as required by Rule 5(c)-(d) of the Rules Governing Section 2254 Proceedings. (Notice of Filing Lodged Docs., ECF No. 20.) Respondent also filed a request to file Petitioner's probation report under seal. (Req., ECF No. 19.) Petitioner did not file an opposition to the request.

Local Rule 141 allows the Court to seal documents only upon written order of the Court, upon the showing required by applicable law. See also Fed. R. Civ. P. 5.2, 26(c).

1 Upon reviewing the request, the Court will file in the publicly available case file an order
2 granting or denying the Request. However, the order shall identify the document for
3 which sealing has been granted or denied by page number without revealing its
4 contents. Local Rule 141(d).

5 Generally, the content of sealed documents are of a nature that require the Court
6 to maintain the confidentiality of the document. With regard to the documents in
7 question, the State of California has deemed the information contained in the document
8 as confidential and restricted access to the document to a limited number of individuals.
9 See Cal. Penal Code § 1203.05; People v. Connor, 115 Cal. App. 4th 669 (2004). “[T]he
10 [California] Legislature intended to restrict access to private information... and thereby
11 restore a measure of the privacy lost during the initial period of public access. However,
12 this material also indicates that the Legislature rejected a total restriction on access...
13 and opted instead to simply limit the period of open access.” Connor, 115 Cal. App. 4th
14 at 684. This Court shall respect the privacy interests of Petitioner created by California
15 state law.

16 Based on the showing of good cause, Respondent’s request to file the lodged
17 documents under seal is GRANTED.

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19 IT IS SO ORDERED.

20 Dated: September 29, 2014

21 /s/ Michael J. Seng
22 UNITED STATES MAGISTRATE JUDGE
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