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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

DANIEL LEE WHALEN,  
Petitioner,  
v.  
WARDEN, California State Prison at San  
Quentin,  
Respondent.

Case No. 1:14-cv-01865-LJO-SAB  
DEATH PENALTY CASE  
ORDER REGARDING LODGED  
CONFIDENTIAL STATE RECORDS

By this Court’s May 27, 2015 order following case management conference, Respondent, Warden of San Quentin State Prison, was directed to lodge the state record, in electronic (PDF-OCR) form, with the Court on or before July 15, 2015, accompanied by a notice of lodging to be filed the same day. (ECF No. 26 at 2:3-5.)

On July 10, 2015, Respondent, through counsel Catherine Nieto, Esq. of the California Attorney General’s Office, filed notice of lodging and an index of state court records which included lodged confidential (California Penal Code § 987/987.3/987.9) documents “provided in paper format and under seal.” (ECF No. 27 at 3:24-4:1.)

Documents may be sealed only by written order of the Court, following a specific request to seal, making the showing required by applicable law and submitted in the appropriate manner. Local Rule 141. This is so even if, as appears the case here, the subject documents are confidential state court records. Id.; see California Penal Code § 987.9(d).

