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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 GRANTING RESPONDENT’S
REQUEST FOR SEALING ORDER
(ECF No. 29)

Before the Court is Respondent’s July 29, 2015 request to (1) file under seal his Request to Seal Penal Code Section 987.9 documents, totaling two (2) pages, and [Proposed] Order Sealing Penal Code Section 987.9 documents, totaling one (1) page, and (2) lodge under seal Confidential Penal Code Section 987.9 documents contained in the Supplemental Clerk’s Transcript on Appeal, Volume I of I (pp.1-74), assigned place holder number “AG010660” in

1 the Index of state court records, lodged with the Court under conditional seal in paper format,
2 totaling seventy-eight [78] pages.

3 Respondent represents that the Penal Code Section 987.9 documents are confidential
4 state court records, sealed in state proceedings, which should be protected from disclosure in
5 this proceeding. Local Rule 141; California Penal Code Section 987.9(d).

6 Respondent also represents that Petitioner has been served with copies of the above
7 documents proposed for sealing. Petitioner has not opposed Respondent's sealing request and
8 the time for doing so has passed. Local Rule 141(c).

9 Accordingly, for good cause shown, it is HEREBY ORDERED that Respondent's
10 request for a sealing order (ECF No. 29) is GRANTED as follows:

- 11 1. The Clerk of the Court is directed to (1) file under seal Respondent's Request to
12 Seal Penal Code Section 987.9 documents, totaling two (2) pages, and a
13 [Proposed] Order Sealing Penal Code Section 987.9 documents, totaling one (1)
14 page, and (2) lodge under seal Confidential Penal Code Section 987.9
15 documents contained in the Supplemental Clerk's Transcript on Appeal,
16 Volume I of I (pp.1-74), assigned place holder number "AG010660" in the
17 Index of state court records, lodged with the Court under conditional seal in
18 paper format, totaling seventy-eight [78] pages,
- 19 2. The foregoing documents and the information therein constitute confidential
20 information which shall not be disclosed, in whole or part, to any person other
21 than the Court and Court staff and individually named counsel for the parties for
22 their use solely in connection with litigation of the habeas petition pending
23 before this Court,
- 24 3. No publicly filed document shall include the above documents and/or the
25 information therein unless authorized by the Court to be filed under seal, and
- 26 4. All provisions of this order shall continue to be binding after the conclusion of
27 this habeas corpus proceeding and specifically shall apply in the event of a
28 retrial of all or any portion of Petitioner's criminal case, except that either party

