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

LARRY ROBERTS,

Petitioner,

No. CIV S-93-0254 GEB DAD

vs.

DEATH PENALTY CASE

WARDEN, San Quentin State
Prison,

Respondent.

ORDER

_____ /

Petitioner has submitted a number of exhibits for filing under seal. (Dkt. No. 394.) Respondent agrees the following exhibits should be sealed: Reference Hearing Exhibit GGG; Exhibits 203, 204, 207, 213, 226, 227, 232, and 361. Respondent opposes sealing all or portions of the remaining exhibits submitted by petitioner for filing under seal for a variety of reasons.

The exhibits the parties agree to seal contain medical information of non-parties to this action and/or are subject to prior protective orders. (See Dkt. No. 367.) Petitioner has not had an opportunity to reply to respondent's opposition to sealing of the remaining exhibits. Further, after considering the ruling on the pending motion for an evidentiary hearing, the parties may be able to agree to sealing, redaction, and/or a protective order with respect to these

1 remaining exhibits over which sealing is currently disputed.

2 Accordingly, and good cause appearing, IT IS HEREBY ORDERED as follows:

3 1. Petitioner's December 15, 2010 Motion to Seal (Dkt. No. 394.) is granted in
4 part and reserved in part.

5 2. The Clerk of the Court is ordered to file under seal the following documents:

6 a. Petitioner's December 15, 2010 Request to Seal Documents;

7 b. Respondent's April 28, 2011 Response in Partial Opposition to
8 Petitioner's Request to Seal Documents;

9 c. Reference Hearing Exhibit GGG and Exhibits 203, 204, 207, 213, 226,
10 227, 232, and 361, submitted to this court on December 15, 2010.

11 3. With respect to the remaining exhibits petitioner seeks to have filed under seal,
12 within fourteen days of the filing of this court's order resolving petitioner's pending motion for
13 an evidentiary hearing, the parties shall meet and confer to discuss resolution of petitioner's
14 remaining sealing requests. Within fourteen days thereafter, the parties shall file a joint
15 statement explaining their agreements, including any proposed protective orders, and any
16 remaining disagreements regarding petitioner's Motion to Seal.

17 DATED: March 28, 2012.

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20 _____
21 DALE A. DROZD
22 UNITED STATES MAGISTRATE JUDGE

22 ddad1:capital
23 roberts evi ex seal.or