

1 JAMES S. THOMSON
 California SBN 79658
 2 Attorney and Counselor at Law
 819 Delaware Street
 3 Berkeley, California 94710
 Telephone: (510) 525-9123
 4 Facsimile: (510) 525-9124

5
 6 JOLIE LIPSIG
 Attorney at Law California SBN 104644
 1006 4th St., Suite 301
 7 Sacramento, California 95814
 Telephone: (916) 443-6995
 8 Facsimile: (916) 443-7081

9 Attorneys for Petitioner
 WILLIAM A. PROCTOR

10
 11 **IN THE UNITED STATES DISTRICT COURT**
 12 **EASTERN DISTRICT OF CALIFORNIA**

13 WILLIAM A. PROCTOR,
 14
 15 Petitioner,

16 v.

17
 18 ROBERT L. AYERS, Warden of
 California State Prison at San Quentin,
 19 et al.

20 Respondents
 21 _____

No. CIV-S-96-1401 RRB CMK

DEATH PENALTY CASE

**APPLICATION AND ORDER
 FOR RELEASE OF RECORDINGS
 OF SEALED PROCEEDINGS TO
 PETITIONER'S COUNSEL**

22 Petitioner hereby requests that this Court order the Court Reporter to release to his
 23 attorneys, Jolie Lipsig and/or James S. Thomson, recordings of the case management and
 24 sealed budget conferences held in the above-captioned case on February 13, 2007 and
 25 January 8, 2008, respectively. The reasons for this request are as follows:

26 On January 18, 2008, counsel for petitioner submitted a CD/Tape Order form to the
 27 Clerk of the Court to obtain recordings of two case management/budget conferences.
 28 Portions of each conference were held *ex parte*, with only petitioner's counsel and this

1 Court in attendance. Upon receipt of the form, counsel were notified by the Court
2 Reporter that the *ex parte* portions of the conferences had been sealed, and the recordings
3 of those portions of the conferences could not be released to them without an order from
4 this Court.

5 Petitioner, through his counsel, is entitled to a full record of all proceedings in this
6 capital case. Further, counsel for petitioner were present at the conferences for which they
7 now seek recordings and thus were privy to all confidential matters discussed therein.

8 Accordingly, counsel request that this Court direct the Court Reporter to prepare
9 and release to Jolie Lipsig and/or James Thomson recordings of the complete case
10 management/budget conferences, including all sealed proceedings, held on February 13,
11 2007, and January 8, 2008 in the above-captioned case.

12 DATED: January 31, 2008

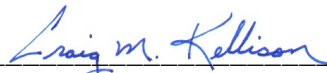
13 Respectfully submitted,

14
15 /s/ JAMES S. THOMSON

16 /s/ JOLIE LIPSIG
17 Attorneys for Petitioner

18 IT IS SO ORDERED

19
20 DATED: February 1, 2008

21 
22 _____
23 **CRAIG M. KELLISON**
24 UNITED STATES MAGISTRATE JUDGE
25
26
27
28