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

JERRY GRANT FRYE,

Petitioner,

NO. CIV S-99-0628 LKK-KJM

vs.

DEATH PENALTY CASE

WARDEN, San Quentin State Prison,

Respondent.

ORDER

_____ /


This is a habeas corpus proceeding in a death penalty case. On October 16, 2008, the Magistrate Judge assigned to this case entered an order regarding sealing of portions of the record of an evidentiary hearing. (Dkt. No. 360). Petitioner received an extension of time in which to file a motion for reconsideration of this order, and filed a motion for reconsideration on October 31, 2008. That motion has been under submission before this court since that time.

It appears that the Magistrate Judge’s October 16, 2008 order, as well as the protective order entered on November 3, 2008 (Dkt. No. 373) have ensured that the question has not become moot. However, there has been extensive further litigation in this case, with which this court is not yet familiar. Accordingly, the parties MAY file additional statements, not to exceed ten (10 pages), limited to the question of whether the motion for reconsideration is moot. Such additional statements may be filed no later than seven (7) days from the date of this order.

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1 IT IS SO ORDERED.

2 DATED: March 10, 2010.

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5 LAWRENCE K. KARLTON
6 SENIOR JUDGE
7 UNITED STATES DISTRICT COURT
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