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

MICHAEL A. COX,)	NO. 2:04-CV-0065-MCE-CKD
)	
Petitioner,)	<u>DEATH PENALTY CASE</u>
)	
v.)	PROTECTIVE ORDER REGARDING
)	DISCOVERY PRIOR TO RULE 27
WARDEN, San Quentin State Prison)	DEPOSITIONS
)	
Respondent.)	
)	
)	

Pursuant to this Court’s Order of September 22, 2015 (Doc. 169), and good cause appearing, see *Bittaker v. Woodford*, 331 F.3d 715, 717, n.1 (9th Cir. 2003)(en banc),

IT IS HEREBY ORDERED:

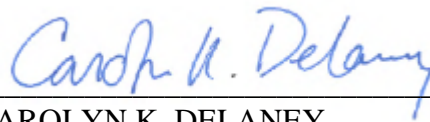
For purposes of the habeas corpus litigation in this matter, all discovery of trial attorney files granted to respondent shall be deemed confidential. In any event, and subject to the further limitations set forth herein, the documents and material in the trial counsel files (hereinafter, “documents”) may be used only by representatives from the Office of the California Attorney General and only for purposes of any proceedings incident to litigating the claims presented in the petition for writ of habeas corpus pending before this court.

1 Until such time as this Court may order otherwise, the documents are to be used by
2 respondent solely for preparation and conduct of depositions of witness for whom this court has
3 previously granted petitioner leave to depose for purposes of preservation of evidence pursuant
4 to Rule 27. The documents may not be used, cited, or relied upon by respondent in any habeas
5 corpus or other related proceedings in the state courts, nor in any other proceedings in this court
6 until such time as this court has ordered otherwise.

7 Disclosure of the contents of the documents and the documents themselves may not be
8 made to any other persons or agencies, including any other law enforcement or prosecutorial
9 personnel or agencies, without an order from this Court. This order extends to respondent and all
10 persons acting on behalf of respondents in this proceeding, including but not limited to persons
11 employed by the Office of the California Attorney General, persons working on this matter who
12 are employed by California governmental divisions other than the Attorney General, persons
13 retained by respondent for any investigative or consulting work on this matter, and any expert
14 consultants or witnesses assisting respondent.

15 This order shall continue in effect after the conclusion of the habeas corpus proceedings
16 and specifically shall apply in the event of a retrial of all or any portion of petitioner's criminal
17 case, except that either party maintains the right to request modification or vacation of this order
18 upon entry of final judgment in this matter.

19 Dated: October 14, 2015



20 _____
CAROLYN K. DELANEY
21 UNITED STATES MAGISTRATE JUDGE

22
23 Cox protective or
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