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8  
 9 IN THE UNITED STATES DISTRICT COURT  
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA  
 11 SACRAMENTO DIVISION

12  
 13 **NOEL VALDIVIA, SR.,**  
 14  
 15 **v.**  
 16  
 17 **JILL BROWN, et al.,**  
 18

2:05-CV-00416-FCD DAD  
**STIPULATION AND ORDER RE:  
 CONDITIONS OF RELEASE**

Petitioner,

Respondents.

19 State prison inmate Noel Valdivia filed a Petition for Writ of Habeas Corpus challenging  
 20 the Board of Parole Hearings' 2004 decision finding him unsuitable for parole, which this Court  
 21 granted. Respondent appealed. Valdivia subsequently moved, under Federal Rule of Appellate  
 22 Procedure, rule 23(c), for his immediate release pending the outcome of the appeal. On June 25,  
 23 2010, this Court granted the motion and ordered Valdivia released from prison within fifteen  
 24 days. (Docket Entry 73, Minutes.) At the hearing on Valdivia's motion, the Court indicated that  
 25 Valdivia was to be released on his own recognizance. The parties however, through their  
 26 respective counsel, stipulate to supervision of Valdivia during his court ordered release.

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 28 ///

1 The parties consulted Pretrial Services regarding conditions of release and the conditions  
2 agreed upon are consistent in content and verbiage with those regularly imposed by Pretrial  
3 Services.

#### 4 **Conditions of Release**

5 1. You shall report to and comply with the rules and regulations of the Pretrial Services  
6 Agency;

7 2. You shall report in person to the Pretrial Services Agency on the first working day  
8 following your release from custody;

9 3. You are to reside at a location approved by the pretrial services officer and not move or  
10 absent yourself from this residence for more than 24 hours without the prior approval of the  
11 pretrial services officer;

12 4. Your travel is restricted to the Eastern and Northern Districts of California and you shall  
13 not travel outside the Eastern or Northern Districts without the consent of the pretrial services  
14 officer;

15 5. You shall not possess a firearm/ammunition, destructive device, or other dangerous  
16 weapon;

17 6. You shall refrain from any use of alcohol or any narcotic drug or other controlled  
18 substance without a prescription by a licensed medical practitioner; and you shall notify Pretrial  
19 Services immediately of any prescribed medication(s). However, medical marijuana, prescribed  
20 or not, may not be used;

21 7. You shall submit to drug or alcohol testing as directed by the pretrial services officer;

22 8. You shall obtain no passport during the pendency of this case;

23 9. You shall not associate or have any contact with known gang members;

24 10. You shall report any contact with law enforcement to your pretrial services officer  
25 within 24 hours;

26 11. You shall be subject to electronic monitoring at the discretion of your pretrial services  
27 officer. If the pretrial services officer determines that you will be subject to electronic  
28 monitoring, you will have a home monitoring unit installed in your residence, a radio frequency

1 transmitter device attached to your person, and shall comply with all instructions for the use and  
2 operation of said devices as given to you by the Pretrial Services Agency and employees of the  
3 monitoring company.

4  
5 Dated: July 1, 2010

Respectfully submitted,  
EDMUND G. BROWN JR.  
Attorney General of California

7 /s/ Jennifer A. Neill

8 JENNIFER A. NEILL  
9 Supervising Deputy Attorney General  
Attorneys for Respondent

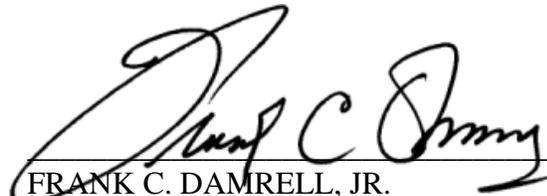
10 Dated: July 1, 2010

Respectfully submitted,  
11 /s/ Daniel J. Broderick

12 DANIEL J. BRODERICK  
13 Federal Defender  
14 Attorney for Petitioner

15 **IT IS SO ORDERED.**

16  
17 Dated: July 1, 2010

18   
FRANK C. DAMRELL, JR.  
19 UNITED STATES DISTRICT JUDGE