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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 THOMAS CLINTON,

No. CIV S-05-1600-LKK-CMK-P

12 Plaintiff,

13 vs.

ORDER

14 CALIFORNIA DEPARTMENT OF
15 CORRECTIONS, et al.,

16 Defendants.
_____ /

17 Plaintiff, a former state prisoner proceeding pro se, brings this civil rights action
18 pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff's request for production of
19 unredacted confidential documents. The confidential documents were filed with the court under
20 seal for the court to review in camera.

21 The court's initial review of the documents is completed. The court is inclined at
22 this time to grant plaintiff's request for unredacted copies of these documents, with the exception
23 of the prisoner identification numbers of the prisoners, other than plaintiff, named in the
24 documents, and the name of the yard in which the other inmate was released as identified in
25 Sergeant Dixon's report. The only argument supporting the redaction of information is
26 institutional safety and security. The court does not find the information which has been redacted

1 in the documents is likely to have any impact on the safety and security of the institution.
2 Specifically, the redacted information is similar to, if not essentially duplicative of, unredacted
3 information contained in other parts of the documents. Thus, conclusory statements relating to
4 institutional safety and security is unpersuasive. No specific information has been provided to
5 the court as to how the redacted information places the safety and security of the institution at
6 risk.

7 However, prior to ordering the unredacted documents turned over to plaintiff, the
8 court finds it appropriate to provide the parties an opportunity to be heard on the matter if there
9 continues to be an objection to providing plaintiff unredacted copies of these documents. If the
10 defense wishes to be heard on any additional reasons why plaintiff should not be provided an
11 unredacted copy of these documents, a request for a telephonic appearance on the court's January
12 19, 2010, law and motion calendar, at 11:00 a.m., may be filed and served on or before January
13 7, 2010. If such a hearing is requested, both parties may appear telephonically and arrangements
14 will be made for a conference call. If no request for hearing is filed within the time frame
15 provided herein, the court will issue an order for plaintiff to be provided an unredacted copy of
16 each of the three confidential reports submitted to the court for review.

17 Accordingly, IT IS HEREBY ORDERED that:

18 1. The court is inclined to require an unredacted copy of the confidential
19 reports, submitted to the court for an in camera review, be provided to plaintiff;

20 2. If the defense has additional reasons, specific to the information contained
21 in these reports, why an unredacted copy should not be provided to plaintiff, they may file a
22 notice to be heard on or before January 7, 2010;

23 3. If the defense files a notice to be heard, a telephonic hearing will be held
24 on January 19, 2010, at 11:00 a.m.; and

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1 4. If no notice to be heard is timely filed, the court will issue an order for
2 Plaintiff to be provided an unredacted copy of each confidential report provided to the court for
3 review.

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5 DATED: January 3, 2011

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7 **CRAIG M. KELLISON**
8 UNITED STATES MAGISTRATE JUDGE
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