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

THOMAS CLINTON,
Plaintiff,

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

vs.

ORDER

CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,
Defendants.

_____/

Plaintiff, a former state prisoner proceeding pro se, brings this civil rights action pursuant to 42 U.S.C. § 1983. Pending before the court is plaintiff's request for production of unredacted confidential documents. The court conducted an in camera review, and a hearing on the issue was held on January 19, 2011. Petitioner, proceeding pro se, and defense counsel Jeff Steele, both appeared telephonically at the hearing.

Pursuant to the court's review of the documents, and discussion with the parties at the hearing, it is determined that the only information required to be kept confidential is the name of the inmates who were interviewed by prison officials. In order to protect the safety and security of the institutions and the inmates, it was agreed by the parties that the documents identifying those inmates shall remain in the docket under seal, but plaintiff shall receive an

1 unredacted copy of all three confidential documents at issue. Plaintiff is directed not to share
2 those confidential documents with any other person, including other inmates, except for his
3 attorney (should he at some point in this action retain the services of an attorney) and the two
4 subject inmates. Defense counsel and the court will each send plaintiff an unredacted copy of
5 each of the three documents.

6 Also pending before the court are plaintiff's motions for a ruling (Doc. 453) and
7 for sanctions (Doc. 455). To the extent plaintiff is requesting a ruling on the in camera review,
8 that request is granted as set forth herein. To the extent plaintiff is requesting sanctions for
9 defendants' failure to provide him an unredacted copy of the documents at issue, that request is
10 denied. There is no basis for such sanctions, and the court will not authorize such.

11 Finally, plaintiff has filed a motion for the court to secure his original central file
12 to prevent it from being tampered with (Doc. 446). The court finds no basis at this time for
13 obtaining and keeping the central file. Defense counsel has already been ordered to protect the
14 file, and insure it is not destroyed. Counsel remains subject to that order. There has been no
15 showing that the file is being tampered with or is subject to destruction at this time.
16 Plaintiff's request will therefore be denied.

17 Accordingly, IT IS HEREBY ORDERED that:

18 1. Plaintiff is entitled to receive a complete and unredacted copy of the three
19 documents at issue, submitted to the court under seal (Doc. 431) for in camera review;

20 2. Defense counsel is directed to provide the plaintiff with a clean, complete,
21 unredacted copy of each of the three documents at issue;

22 3. The Clerk of the Court is directed to send plaintiff a copy of the
23 documents filed under seal (Doc. 431) for in camera review;

24 4. Plaintiff is directed not to share those documents with any other person,
25 including other inmates, with the exception of his attorney and the two subject inmates;

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5. Plaintiff's request for a ruling on the in camera review (Doc. 453) is granted;

6. Plaintiff's request for sanctions (Doc. 455) is denied;

7. Plaintiff's request for the court to obtain and keep his central file (Doc. 446) is denied;

8. The Clerk of the Court is directed to keep the documents previously filed under seal (Doc. 431) sealed; and

9. The Clerk of the Court is further directed to seal the original submission of these documents (Doc. 411-1) and plaintiff's response to the hearing (Doc. 453) as containing the names of the inmates interviewed.

DATED: January 19, 2011



CRAIG M. KELLISON
UNITED STATES MAGISTRATE JUDGE