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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

THOMAS HOWARD LENART,
Petitioner,
v.
WARDEN, San Quentin State Prison,
Respondent.

No. 2:05-cv-1912 MCE CKD
DEATH PENALTY CASE
ORDER

Petitioner has submitted three documents to this court’s “proposed orders” e-mail box: a Request for Leave to Submit Motion and Documents Ex Parte and Under Seal; an Ex Parte Application for Ruling on Discovery of Specific Documents; and a Proposed Order regarding the sealing request. Petitioner’s “Request” is the same as the “Notice of Request to Seal Documents” described in Local Rule 141(b). That notice should be filed publicly. The court notes that petitioner served it on respondent and that petitioner states respondent does not object to the sealing request. The “Ex Parte Application” shall be filed under seal.

The court has considered petitioner’s Ex Parte Application for Ruling on Discovery and finds that petitioner shall disclose to respondent all documents in Exhibit B-1 to the Application.¹

¹ Petitioner asserts that the redactions to the documents in Exhibit B-1 were made to protect confidential material which is not relevant to respondent’s discovery requests. Petitioner did not ask the court to consider the relevance of the redacted material and the court did not do so.

1 Because it does not fall within the scope of discovery, petitioner need not provide respondent
2 with the document in Exhibit C. As set out in Rule 141(d), this court is also filing a more detailed
3 order under seal.

4 Good cause appearing, IT IS HEREBY ORDERED as follows:


5 1. The Clerk of the Court is directed to file on the public docket petitioner's Request for
6 Leave to Submit Motion and Documents Ex Parte and Under Seal and the Proposed
7 Order, both of which were submitted to the court by e-mail on January 27, 2014.

8 2. Petitioner's unopposed Request to Seal is granted.

9 3. The Clerk of the Court is directed to file under seal petitioner's Ex Parte Application
10 for Ruling on Discovery of Specific Documents which was submitted to the court by
11 e-mail on January 27, 2014.

12 4. Petitioner shall disclose to respondent all documents in Exhibit B-1 to his Application.
13 Petitioner need not disclose the document in Exhibit C.

14 Dated: February 3, 2014

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17 CAROLYN K. DELANEY
18 UNITED STATES MAGISTRATE JUDGE
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