

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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

LARRY W. KIRK,

Petitioner,

2: 09 - cv - 668 - TJB

vs.

S.M. SALINAS,

Respondent.

ORDER

\_\_\_\_\_ /

Petitioner is a state prisoner proceeding, *pro se*, with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. In his claims, Petitioner argues that he was incompetent to stand trial, and thus his trial violated his Constitutional rights. Respondent answered the petition on June 7, 2011 and lodged several documents including the Clerk’s Transcript. The California Court of Appeal’s decision cites to the report of Dr. Hoffman regarding Petitioner’s competency to stand trial. However, the report was omitted from Respondent’s lodged documents. *See* Clerk’s Tr. at p. 13-18.

Respondent was ordered to file the report. On August 1, 2011, Respondent requested an extension of time until September 1, 2011 to comply with the court ordered production of the report. That request was granted. On August 30, 2011, Respondent filed a request to seal Dr. Hoffman’s report. Having reviewed the report, Respondent’s request will be granted. *See* Local

1 Rule 141(d). Respondent shall follow the procedures set forth in Local Rule 141(e) for filing Dr.  
2 Hoffman's report, pages 13 through 18 of the Clerk's Transcript, under seal in this court.

3 Accordingly, IT IS HEREBY ORDERED that Respondent's request to file the report of  
4 Dr. Hoffman (Clerk's Tr. at p. 13-18) under seal is GRANTED.

5 DATED: September 1, 2011

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26



TIMOTHY J BOMMER  
UNITED STATES MAGISTRATE JUDGE