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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JESSICA HOLMES,
Petitioner,
v.
DEBORAH K. JOHNSON, Warden,
Respondent.

No. 2:11-cv-2710 JKS KJN P (TEMP)

ORDER

Petitioner is a state prisoner proceeding through counsel with a petition for a writ of habeas corpus under 28 U.S.C. § 2254. An evidentiary hearing is set in this matter on May 2-3, 2016, on petitioner’s claim that her trial counsel rendered ineffective assistance during the plea bargain process. By order dated March 4, 2016, the parties were directed to file a joint stipulation describing the status of discovery, including petitioner’s receipt of her trial counsel’s file. That stipulation was filed on March 18, 2016.

After a review of the joint stipulation, and good cause appearing, IT IS ORDERED that:

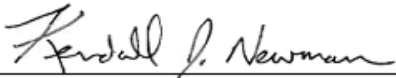
1. The court will hold a hearing on the status of discovery in this matter in the courtroom of the undersigned on April 8, 2016, at 10:00 a.m.
2. Respondent is directed to secure the attendance of trial counsel Jesse Ortiz at the discovery hearing. Mr. Ortiz shall bring with him his entire trial file, including all notes, audio

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1 and video files, correspondence, and anything else that relates to his representation of petitioner
2 in her criminal proceedings.

3 3. Attached to this order is a proposed protective order that the court intends to issue in
4 connection with the production of discovery in this case. At the April 8, 2016 hearing, the parties
5 should be prepared to discuss proposed changes, if any, to the language of this protective order.

6 Dated: March 30, 2016

7 
8 KENDALL J. NEWMAN
9 UNITED STATES MAGISTRATE JUDGE

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Proposed Protective Order

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2 For purposes of the habeas corpus litigation in this matter, including the scheduled
3 evidentiary hearing, all privileged communications or materials obtained by the Office of the
4 California Attorney General from the file of petitioner’s trial counsel shall be deemed
5 confidential. Until such time as this court may order otherwise, these communications or
6 materials may be used only by representatives of the Office of the California Attorney General
7 and only for purposes of preparation and conduct of the May 2-3, 2016 evidentiary hearing.
8 Disclosure of the contents of the communications or materials themselves may not be made to
9 any other persons or agencies, including any other law enforcement or prosecutorial personnel or
10 agencies, without an order from this court. The communications and materials may not be used,
11 cited, or relied upon by the Office of the California Attorney General in any habeas corpus or
12 other related proceedings in federal court, or in any future proceedings against petitioner,
13 including any possible retrial. This order shall continue in effect after the conclusion of the
14 habeas corpus proceedings and specifically shall apply in the event of a retrial of all or any
15 portion of petitioner's criminal case, except that either party maintains the right to request
16 modification or vacation of this order upon entry of final judgment in this matter.

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