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 8 WALTER PIERRE RAUSINI

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

12 UNITED STATES OF AMERICA,)	No. C-05-3249 SI
13 Plaintiff,)	
14 v.)	STIPULATION AND [Proposed] ORDER
15 WALTER PIERRE RAUSINI,)	LIFTING STAY OF PROCEEDINGS RE:
16 Defendant.)	MOTION PURSUANT TO 28 U.S.C. § 2255
)	

17
 18 Defendant Pierre Rausini, through counsel, and Plaintiff United States of America, through
 19 counsel, hereby stipulate as follows:

20 1. Pursuant to an earlier stipulation and order, the Court ordered that these proceedings
 21 involving Defendant Rausini’s motion pursuant to 28 U.S.C. § 2255 (referred to hereinafter as “the 2255
 22 proceedings”) be stayed and held in abeyance pending the resolution of the Rule 35(b) proceedings in
 23 the related matter involving Defendant Rausini in criminal case no. CR-95-0319 (referred to hereinafter
 24 as “the Rule 35(b) proceedings”). *See Stipulation and Order Staying Proceedings re: Motion Pursuant*
 25 *to 28 U.S.C. § 2255* (Doc. 1682 in case no. CR-95-0319). As noted in the earlier *Stipulation and Order*,
 26 the stay was without prejudice to Defendant Rausini’s ability to raise any claims and issues in the 2255
 27 proceedings at a later time, if necessary. *Id.* at 2:2-4.

28 2. The Rule 35(b) proceedings in the district court have concluded, and a notice of appeal
 29 has been filed.

30 3. In light of the foregoing, the parties respectfully request that the Court enter an order
 lifting the stay in these 2255 proceedings so that this matter may be litigated.

1 4. In the earlier *Stipulation and Order*, the Court reaffirmed the earlier-issued protective
2 order (Doc. 1597), which directed that all documents filed or used in the 2255 proceedings which
3 contain attorney-client privileged information shall be deemed confidential. The protective order further
4 provided as follows:

5 These documents may be used only by representatives from the Office of the
6 United States Attorney for the Northern District of California, and may be used
7 only for purposes of any proceedings incident to petitioner's 28 U.S.C. § 2555
8 motion pending before this Court. Disclosure of the contents of the documents
9 and the documents themselves may not be made to any other persons or agencies,
10 including any law enforcement or prosecutorial [] agencies without an order from
11 this Court. This order shall continue in effect after the conclusion of the instant §
12 2255 proceedings, and specifically shall apply in the event of a retrial of all or any
13 portion of petitioner's criminal case.

14 The parties agree that this protective order (Doc. 1597) shall continue to remain in place with full
15 force and effect.

16 **IT IS SO STIPULATED.**

17 Dated: November 21, 2011

18 Melinda Haag
19 United States Attorney

20 /S/
21 _____
22 W.S. Wilson Leung
23 Assistant United States Attorney

24 Dated: November 21, 2011

25 /S/
26 _____
27 Mark R. Vermeulen
28 Attorney for Defendant
29 WALTER PIERRE RAUSINI

1 **ORDER**

2 Based on the foregoing stipulation, and good cause appearing,

3 **IT IS HEREBY ORDERED** that in connection with the motion filed earlier by
4 Defendant/Movant Rausini pursuant to 28 U.S.C. § 2255, the previously-ordered stay is lifted.

5 **IT IS FURTHER ORDERED** that the protective order issued earlier by the Court (Doc. 1597
6 in case no. CR-95-0319) shall remain in place with full force and effect.

7 **IT IS SO ORDERED.**

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9 Dated: November 22, 2011

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11 Susan Illston
12 United States District Judge
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