

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
27
28IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RONALD J. MCINTOSH,

No. 09-cv-00750 CRB

Plaintiff,

**ORDER REGARDING MOTION FOR
ENTRY OF ORDER INVOLVING
ADDITIONAL DISCOVERY**

v.

ERIC H. HOLDER JR.,

Defendant.

McIntosh has moved for entry of an order directing the federal government to produce additional discovery related to his case. See Motion for Entry of Order (dkt. 178). Three prior discovery motions remain pending, although the Court directed the parties to address the concerns raised in those motions following a hearing on September 11, 2015, and the parties appear to have resolved many of the disputes raised in those earlier motions. See Motion to Compel Government Employees to Appear (dkt. 149); Motion to Compel State to Comply (dkt. 148); Motion to Compel Federal Government to Comply (dkt. 147).

After reviewing the arguments raised by the parties in their papers, the Court hereby **ORDERS** that the United States Marshals Service shall furnish McIntosh with a declaration describing their search for documents responsive to McIntosh's subpoena, including a level of detail similar to that provided by the FBI and ATF in this case. The Court further **ORDERS** that the government shall file a document under seal explaining why it should not be required to produce discovery related to a certain undercover operation in Philadelphia,

1 given that the Court could protect discovery related to that operation with a protective order
2 similar to the one it entered regarding the 174 pages of FBI documents in this case. The
3 Court DENIES McIntosh's remaining requests, and further DENIES McIntosh's three prior
4 discovery orders as moot. See Motion to Compel Government Employees to Appear (dkt.
5 149); Motion to Compel State to Comply (dkt. 148); Motion to Compel Federal Government
6 to Comply (dkt. 147). The hearing set for November 13, 2015, is hereby VACATED.

7 **IT IS SO ORDERED.**

8
9 Dated: November 12, 2015



10 _____
11 CHARLES R. BREYER
12 UNITED STATES DISTRICT JUDGE