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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NOVENDER FLEMING,)	
)	
Plaintiff(s),)	No. C 09-1613 BZ
)	
v.)	Related Case: C09-4757 BZ
)	
NADIA CLARK, et al.,)	ORDER GRANTING FURTHER
)	DISCOVERY FOLLOWING IN
Defendant(s).)	CAMERA REVIEW
_____)	

Having reviewed Appendix A to Officer Clark's affidavit, I conclude that it does contain information whose disclosure could present a risk of danger to a third party. Balancing this danger against the need for plaintiffs to know the basis for the probable cause determination which lead to the search warrant, I have recast the first two paragraphs of Appendix A to read as follows:

Officer Barocio and I were contacted by a resident of the neighborhood regarding a marijuana grow at 1078 55th Street.

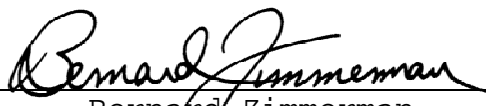
Based on this information, we proceeded to a location from which we had a clear and unobstructed view of a yard at 1078 55th Street. With a clear and unobstructed view, I

1 observed two marijuana plants standing approximately 6 feet
2 tall. Officer Barocio was able to see 10 - 15 smaller
3 marijuana plants.

4 This information is produced to Mr. Johnson under an
5 appropriate protective order. Mr. Johnson is to use his
6 discretion in determining whether he needs to share this
7 information with his clients. If he concludes that he must,
8 he can only do so after they sign onto the protective order.
9 If the parties have not already entered a protective order,
10 they shall use the model protective order which is on the
11 Court's website at: www.cand.uscourts.gov

12 It is therefore **ORDERED** that defendants shall produce
13 Appendix A to the warrant application by entirely redacting
14 the first two paragraphs, which have been recast above, and by
15 making the redactions proposed by defendants to the second two
16 paragraphs. For purposes of determining whether there was
17 probable cause for the warrant, I find that the redacted
18 paragraphs are the substantial equivalent of the actual
19 paragraphs. This Order resolves Document No. 30.

20 Dated: November 25, 2009

21 
22 Bernard Zimmerman
United States Magistrate Judge

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CAMERA.wpd