

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

JARED LEE LOUGHNER,
Defendant-Appellant

C.A. No. 11-10504

D. Ct. No. 11-00187-LAB
District of Arizona,
Tucson

**MOTION TO FILE AND
MAINTAIN UNDER SEAL
EXHIBITS TO GOVERNMENT'S
RESPONSE TO DEFENDANT'S
EMERGENCY MOTION TO STAY**

The United States of America, Plaintiff-Appellee, by and through its attorneys, Ann Birmingham Scheel, Acting United States Attorney, and Christina M. Cabanillas, Assistant United States Attorney, and pursuant to Ninth Circuit Rule 27-13, hereby asks this Court to file and maintain under seal certain exhibits to the government's Response to Defendant's Emergency Motion For Stay Pending Appeal, specifically, Exhibits 2, 3, 8, and 9, as well as attachments 1 and 3 to Exhibit 7, which were submitted directly to this Court and to defense counsel on this date.

Exhibits 2 and 3 are the forensic reports of the defendant prepared by BOP psychologist, Dr. Christina Pietz, which were submitted to the district court. Exhibits 8 and 9 contain the paperwork from the Bureau of Prisons concerning the defendant's *Harper* hearings from August 25 and September 15, 2011. Attachments 1 and 3 to

Exhibit 7 (BOP declaration) contain non-public details about inmates and the defendant. All of the above exhibits contain sensitive information and/or were submitted under seal in the district court, and should be maintained under seal in this Court and not publicly released.

Thus, the government respectfully asks this Court to file and maintain under seal Exhibits 2, 3, 8, and 9, as well as attachments 1 and 3 to Exhibit 7.¹

Respectfully submitted this 3rd day of October, 2011.

ANN BIRMINGHAM SCHEEL
Acting United States Attorney
District of Arizona

/s/ Christina M. Cabanillas

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¹ The government has filed its other exhibits – Exhibits 1, 4, 5, 6, and 7 (with attachment 2) – publicly on this date, along with its Response to Defendant’s Emergency Motion For Stay Pending Appeal.

CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of October, 2011, I electronically filed the following motion with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system.

s/ Christina M. Cabanillas
Christina M. Cabanillas
Assistant U.S. Attorney