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Attorney for Defendant
EDWARD FUENTES

IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. MARIO DIAZ, et. al., Defendants.	No. CR-S 07-248-WBS DEFENDANT'S NOTICE AND REQUEST TO SEAL DEFENDANTS' EXHIBIT W (DECLARATION OF JERRY LEE TUTER) AND ~~PROPOSED~~ ORDER Hearing: Date: July 19, 2010 Time: 10:00 a.m. Hon. William B. Shubb

Pursuant to Local Rule 141, defendant Edward Fuentes, through counsel, hereby applies for an order to seal defendants' Exhibit W in support of the joint defendants' motions to dismiss and to suppress wiretap intercepts. This application is made because Exhibit W contains the names and identifying information of one or more government confidential informants. A copy of Exhibit W is being provided to the parties today pursuant to Local Rule 141(b).

Exhibit W is a 2-page declaration of Jerry Lee Tuter dated July 6, 2010. In his declaration, Tuter describes witnessing an attempted murder of a Mario Diaz, out of Woodland, by CW-1 and his Norteno gang members in March 2006. (This is not the same

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Mario Diaz as the defendant with the same name in this case). Tuter also reports that CW-1 ordered "hits" on Robert Barone in April 2006 and on Rudy Tafoya in July 2006. Finally, Tuter confirms that CW-1's drug dealing while an informant included CW-1's methamphetamine trafficking with Tuter through Tuter's girlfriend when Tuter was incarcerated at the Yolo County jail between April 28, 2006 and December 5, 2006.

Dated: July 9, 2010

Respectfully submitted,

/s/ John Balazs
JOHN BALAZS

Attorneys for Defendant
EDWARD FUENTES

ORDER

For the reasons stated in the application set forth above, the Court hereby orders defendants' Exhibit W in support of their motions to dismiss and to suppress wiretap intercepts is hereby ordered sealed until further order of the Court.

Dated: July 14, 2010

WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE