

FILED

UNITED STATES COURT OF APPEALS

MAR 24 2011

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

In re: JARED LEE LOUGHNER.

No. 11-70828

JARED LEE LOUGHNER,

D.C. No. 4:11-cr-00187-LAB

District of Arizona,

Tucson

Petitioner,

v.

ORDER

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA,
TUCSON,

Respondent,

UNITED STATES OF AMERICA,

Real Party in Interest.

Before: LEAVY, CLIFTON and BYBEE, Circuit Judges.

The district court's March 21, 2011 order is temporarily stayed to the extent the order directs that copies of the video recordings of all formal clinical interviews with the defendant be provided to both counsel, and to the extent the order directs that any defense-retained examiner shall prepare a formal written report and provide the report to the district court and government counsel. The video

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recording should proceed, but no copy of any video recording should be provided to or made available to any counsel, pending further order.

This petition for a writ of mandamus raises issues that warrant a response. *See Fed. R. App. P. 21(b)*. Accordingly, on or before March 31, 2011, the real party in interest shall file a response addressing the district court's order directing that copies of the video recordings of all formal clinical interviews of the defendant be provided to both counsel and that the report of any defense-retained examiner be provided to the district court and government counsel.

The district court, on or before March 31, 2011, may file a response if it so desires. Petitioner may file a reply no later than April 7, 2011.

The petition for writ of mandamus is denied with respect to all issues other than the release of the video recordings of the formal clinical interviews of the defendant and the provision of the report of any defense-retained examiner to the district court and government counsel.