

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

FILED

FEB 24 2009


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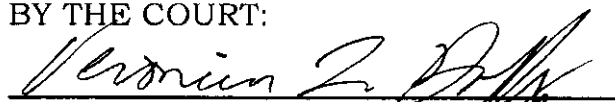
UNITED STATES OF AMERICA,)	CR. 08-50079-02
)	
Plaintiff,)	
)	ORDER
vs.)	
)	
VINE RICHARD MARSHALL,)	
a/k/a RICHARD VINE MARSHALL,)	
a/k/a DICK MARSHALL,)	
)	
Defendant.)	

Defendant Vine Richard Marshall moves the court for an order sealing both an *ex parte* affidavit and an application for a subpoena duces tecum. See Docket 178. Mr. Marshall contends that these documents reflect his theory of defense, which the government is not entitled to know prior to trial. Good cause appearing, it is hereby

ORDERED that Mr. Marshall's motion to seal the *ex parte* affidavit and application for an order for the issuance of a subpoena duces tecum [Docket 178] is granted. The Clerk of Courts shall file these documents under seal.

Dated February 23, 2009.

BY THE COURT:


VERONICA L. DUFFY
UNITED STATES MAGISTRATE JUDGE