

**SUPREME COURT MINUTES  
WEDNESDAY, JANUARY 28, 2015  
SAN FRANCISCO, CALIFORNIA**

**S209975** D057655/D057686 Fourth Appellate District, Div. 1 **PEOPLE v. LAVENDER  
(FLOYD)**

Rehearing denied

**S222732** B249546 Second Appellate District, Div. 7 **DYNAMEX OPERATIONS  
WEST, INC. v. S.C. (LEE)**

Petition for review granted

Votes: Cantil-Sakauye, C. J., Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

**S140140** **ELLIOT (MICHAEL LEE) ON  
H.C.**

Dismissed as moot

The above-entitled case having become moot by petitioner's death on December 8, 2014, as indicated in the certified copy of a certificate of death filed with the motion to dismiss, the "Motion to Dismiss," filed on January 12, 2015, is granted and the petition is dismissed as moot.

**S215176** G046681 Fourth Appellate District, Div. 3 **PEOPLE v. BRAMBILA  
(GUILLERMO JUNIOR)**

Transferred to Court of Appeal, Fourth Appellate District, Division Three, after hold

The matter is transferred to the Court of Appeal, Fourth Appellate District, Division Three, with directions to vacate its decision and reconsider the cause in light of *People v. Centeno* (2014) 60 Cal.4th 659. (Cal. Rules of Court, rule 8.528(d).)

Votes: Cantil-Sakauye, C. J., Werdegar, Chin, Corrigan, Liu, Cuéllar, and Kruger, JJ.

**S220384** **BOOKER (RICHARD  
LONNIE) v. S.C. (PEOPLE)**

Petition for writ of mandate/prohibition denied

**S222319** B243895 Second Appellate District, Div. 3 **PEOPLE v. GUZMAN  
(ALBERT BAUTISTA)**

Petitions for review denied

**S222702** A143487 First Appellate District, Div. 4

Petition for review denied

**S222724** C073964 Third Appellate District

Petition for review denied

**S222746** E057018 Fourth Appellate District, Div. 2

Petition for review denied

The request for judicial notice is denied.

**S222763** B254007 Second Appellate District, Div. 2

Petition for review denied

Chin, J., was recused and did not participate.

**S222764** E059570 Fourth Appellate District, Div. 2

Petition for review denied

**S222793** G050838 Fourth Appellate District, Div. 3

Petition for review denied

**S222798** B250332 Second Appellate District, Div. 2

Petition for review denied

**CYAN, INC. v. S.C. (BEAVER  
COUNTY EMPLOYEES  
RETIREMENT FUND)**

**PATKINS (DAVID C.) v.  
BROWN (DENISE D.)**

**DANIELL (ANAND L.) v.  
AMERICAN CAMPUS  
COMMUNITIES, INC.**

**KAN (LINDSAY T.) v. GUILD  
MORTGAGE COMPANY  
(BANK OF NEW YORK  
MELLON)**

**PEOPLE v. ROCHA (DANIEL  
NINO)**

**KROHE (CHRISTOPHER  
DAVID) ON H.C.**

**PEOPLE v. COMPTON  
(DOUGLAS)**

**S222805** H040146 Sixth Appellate District

Petition for review & application for stay denied  
Werdegarr, J., was recused and did not participate.

**NEGRO (MATTEO) v. S.C.  
(NAVALIMPIANTI USA,  
INC.)**

**S222809** H035692 Sixth Appellate District

Petition for review denied

**PEOPLE v. PAIGLY  
(JEREMY)**

**S222815** C070459 Third Appellate District

Petition for review denied

**PEOPLE v. SHAFFER  
(DEMETRIUS)**

**S222843** B241675 Second Appellate District, Div. 8

Petition for review & publication request(s) denied

**GAGGERO (STEPHEN M.) v.  
KNAPP, PETERSON &  
CLARKE**

**S222846** H039733 Sixth Appellate District

Petition for review denied

**CHAUDHARY (KAILASH  
CHANDRA) v. CENTI  
(DEBBIE SWANSON)**

**S222866** B251492 Second Appellate District, Div. 6

Petition for review & depublication request(s) denied

**PEOPLE v. HARBISON  
(JEFFREY)**

**S222881** B246564 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. PARAMOUNT  
CONTRACTORS &  
DEVELOPERS INC.**

**S222894** E057122 Fourth Appellate District, Div. 2

**PEOPLE v. WOLFORD  
(STEPHEN JAMES)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *Johnson v. California Dept. of Justice*, S209167.

**S222904** B249727 Second Appellate District, Div. 2

**PEOPLE v. BLACK  
(DARNELL)**

Petition for review denied

**S222967** G048542 Fourth Appellate District, Div. 3

**PEOPLE v. BOWLES  
(JEREMY ROBERT)**

Petition for review denied

**S222975** F068057 Fifth Appellate District

**PEOPLE v. MAXEY  
(DARRELL MARQUIS)**

Petition for review denied

**S222978** D065964 Fourth Appellate District, Div. 1

**PEOPLE v. LOUIE (DANNY)**

Petition for review denied

**S222985** B245653 Second Appellate District, Div. 2

**ALECSE (ANNE CLAUDIA) v.  
MODA (KEVIN)**

Petition for review & publication request(s) denied

**S222987** G050808 Fourth Appellate District, Div. 3

**GARCIA (JORGE A.) ON H.C.**

Petition for review denied

**S222988** A139805 First Appellate District, Div. 3

**PEOPLE v. ADAMS (OWEN)**

Petition for review denied

**S223017** E057413 Fourth Appellate District, Div. 2

**EDWARDS (LORI) v. LAKE  
ELSINORE UNIFIED  
SCHOOL DISTRICT**

Petition for review denied

<b>S223033</b>	E059718 Fourth Appellate District, Div. 2	<b>PEOPLE v. H. (G.)</b>
Petition for review denied		
<b>S223039</b>	A139671 First Appellate District, Div. 5	<b>T. (J.), ADOPTION OF</b>
Petition for review denied		
<b>S223043</b>	B253016 Second Appellate District, Div. 8	<b>PEOPLE v. FORMAN</b>
Petition for review denied		<b>(MARCUS B.)</b>
<b>S223046</b>	B250247 Second Appellate District, Div. 1	<b>DEPHILLIPS (RUSSELL M.)</b>
Petition for review denied		<b>v. DIRECTV, INC.</b>
<b>S223052</b>	H039941 Sixth Appellate District	<b>PEOPLE v. MORA</b>
Petition for review denied		<b>(FERNANDO)</b>
<b>S223053</b>	G049350 Fourth Appellate District, Div. 3	<b>PEOPLE v. HUFFINES</b>
Petition for review denied		<b>(STEVE MICHAEL)</b>
<b>S223055</b>	C074245 Third Appellate District	<b>PEOPLE v. PERKINS-</b>
Petition for review denied		<b>GRUBBS (JAIR O ALONZO)</b>
<b>S223057</b>	B252930 Second Appellate District, Div. 5	<b>PEOPLE v. BUSTAMANTE</b>
Petition for review denied		<b>(RUHANI)</b>
<b>S223067</b>	B258191 Second Appellate District, Div. 2	<b>BERRY (TRAVIS WAYNE)</b>
Petition for review denied		<b>ON H.C.</b>

**S223105** B249059 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. MEDINA  
(ENRIQUE)**

**S223111** A135814 First Appellate District, Div. 2

Petition for review denied

**PEOPLE v. CARPENTER  
(DEBRAY)**

**S223138** C073627 Third Appellate District

Petition for review denied

**PEOPLE v. WATTS  
(SHEMICK FERRER)**

**S223141** G048545 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. RUEDAS  
(ALBERT LUGO)**

**S223149** B259199 Second Appellate District, Div. 8

Petition for review denied

**CHERNOV (ALLA) v. S.C.  
(PEOPLE)**

**S223294** A137031 First Appellate District, Div. 4

Petition for review denied

**PEOPLE v. DADZIE (HAKIM  
OJIALI)**

**S223298** C069583 Third Appellate District

Petition for review denied

**PEOPLE v. PAYNE III  
(GEORGE ALEXANDER)**

**S223315** D064552 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. MAXWELL  
(CHRISTOPHER DAULPHIN)**

**S223319** F066099 Fifth Appellate District

Petition for review denied

**PEOPLE v. RAMAY, JR.,  
(KENNETH FRANK)**

**S223320** C074443 Third Appellate District

Petition for review denied

**PEOPLE v. MOLEA (JOHN GENE)**

**S223327** B243062 Second Appellate District, Div. 8

Petition for review denied

**GAGGERO (STEPHEN M.) v. KNAPP, PETERSEN & CLARK**

**S223329** F068056 Fifth Appellate District

Petition for review denied

**PEOPLE v. ESPARZA (DAVID TORREZ)**

**S223332** F066974 Fifth Appellate District

Petition for review denied

**PEOPLE v. GUTIERREZ (GERARD JERRY)**

**S223335** B251244 Second Appellate District, Div. 1

Petition for review denied

**PEOPLE v. FORD (MICHELLE)**

**S223336** F065940 Fifth Appellate District

Petition for review denied

**PEOPLE v. ENNIS (JUSTIN MARK)**

**S223339** A137704 First Appellate District, Div. 4

Petition for review denied

**PEOPLE v. GARCIA-SALBALS (NOEL)**

**S223345** B245114 Second Appellate District, Div. 8

Petition for review denied

**GAGGERO (STEPHEN M.) v. PACIFIC COAST MANAGEMENT, INC. (KNAPP, PETERSON & CLARKE)**

**S223361** D064192 Fourth Appellate District, Div. 1

Petitions for review denied

**PEOPLE v. PHELPS (RICKY LAROY)**

**S223370** F066128 Fifth Appellate District

Petition for review denied

**PEOPLE v. RODRIGUEZ (JOSE)**

**S223371** H035912 Sixth Appellate District

Petition for review denied

**ANDERSEN (ANDREW) v. CATE (MATTHEW)**

**S223384** C069406 Third Appellate District

Petition for review denied

**PEOPLE v. HARRIS (DENNIS)**

**S223387** B251846 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. ESQUIVEL (ERIC)**

**S223398** C074745 Third Appellate District

Petition for review denied

**PEOPLE v. FLETCHER (DRAMAINÉ)**

**S223399** F067225 Fifth Appellate District

Petition for review denied

**PEOPLE v. WARNE (WILLIAM DEVORE)**

**S223402** D064085 Fourth Appellate District, Div. 1

Petition for review denied

**PEOPLE v. LOPEZ (RAUL GOMEZ)**

**S223405** H039834 Sixth Appellate District

Petition for review denied

**PEOPLE v. LOPEZ (JOSEPH)**



**S223406** B251352 Second Appellate District, Div. 5

Petition for review denied

**PEOPLE v. ZUNIGA  
(JONATHAN)**

**S223408** F067049 Fifth Appellate District

Petition for review denied

**PEOPLE v. BUENO (ISAAC  
ANTHONY)**

**S223412** C075606 Third Appellate District

Petition for review denied

**PEOPLE v. WILDER (DENISE  
MARIE)**

**S223413** B247366 Second Appellate District, Div. 3

Petition for review denied

**TOWNSEND (LOUISE E.),  
CONSERVATORSHIP OF**

**S223414** G048747 Fourth Appellate District, Div. 3

Petition for review denied

**PEOPLE v. HERNANDEZ  
(LUZ MARINA CAMPOS)**

**S223417** C071698 Third Appellate District

Petition for review denied

**PEOPLE v. ANAYA  
(JONATHAN VELEZ)**

**S223421** B260543 Second Appellate District, Div. 3

Petition for review denied

**PERKINS (EVAN) v. S.C.  
(PEOPLE)**

**S223423** F070512 Fifth Appellate District

Petition for review denied

The motion for judicial notice of court documents is granted.

**BILLINGS (CARSON) v. S.C.  
(PEOPLE)**

**S223428** D065960 Fourth Appellate District, Div. 1

**PEOPLE v. CHAVEZ (JUAN DANIEL)**

Petition for review denied

**S223433** E058858 Fourth Appellate District, Div. 2

**PEOPLE v. LARA (JAIME CORTEZ)**

Petition for review denied

**S223434** E058237 Fourth Appellate District, Div. 2

**PEOPLE v. NESTE (TROY KENNETH)**

The petition for review is denied without prejudice to any relief to which defendant might be entitled after this court decides *Brazier v. Superior Court*, S218503, *People v. Johnson*, S219454, and *People v. Machado*, S219819.

**S223440** H040088 Sixth Appellate District

**PEOPLE v. SLEDGE (AARON)**

Petition for review denied

**S223442** C071590 Third Appellate District

**PEOPLE v. SCOTT (THOMAS CHARLES)**

Petition for review denied

**S223449** C077939 Third Appellate District

**O'BRIEN (JAMES R.) ON H.C.**

Petition for review denied

**S223507** C072123 Third Appellate District

**GRIFFITH (ELIZABETH) v. PACIFIC COAST BUILDERS, INC.**

Petition for review denied

**S223515** F066500 Fifth Appellate District

**PEOPLE v. FARIAS (RICHARD EUGENE)**

Petition for review denied

**S223747** E062546 Fourth Appellate District, Div. 2

**SHIPLEY (BONNIE) v. S.C.  
(STUBBLEFIELD  
PROPERTIES)**

Petition for review & application for stay denied

**S223748** B260233 Second Appellate District, Div. 5

**TARGET CORPORATION v.  
S.C. (THOMPSON)**

Petition for review & application for stay denied

**S221035**

**ARTERBERRY (RASHEEN)  
ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S221036**

**PEREZ (GILBERTO) ON H.C.**

Petition for writ of habeas corpus denied

**S221093**

**RICE (ERIC DWIGHT) ON  
H.C.**

Petition for writ of habeas corpus denied

**S221102**

**ALBANES (MISHELLE  
GEORGINA) ON H.C.**

Petition for writ of habeas corpus denied

**S221103**

**ALLEN (DAVID) ON H.C.**

Petition for writ of habeas corpus denied

**S221106**

**HARRELL (ELLSWORTH)  
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S221107****MARTIN (ROBERT) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Waltreus* (1965) 62 Cal.2d 218, 225; *In re Dixon* (1953) 41 Cal.2d 756, 759; *In re Lindley* (1947) 29 Cal.2d 709, 723.)

**S222269****BROWNLEE (JAMES) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

**S222315****LARKIN (SHONDEL LAMAR) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

**S222348****DOBY (RANDY) ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S222351****ARAUZ (ROBERTO) ON H.C.**

The petition for writ of habeas corpus is denied on the merits. (See *Harrington v. Richter* (2011) 562 U.S. 86 [131 S.Ct. 770, 785], citing *Ylst v. Nunnemaker* (1991) 501 U.S. 797, 803.)

**S222357****FORD (RAY) ON H.C.**

Petition for writ of habeas corpus denied

**S222365****CORDERO (RANDY MATTHEW) ON H.C.**

Petition for writ of habeas corpus denied

**S222368****LY (SRUN) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Miller* (1941) 17 Cal.2d 734, 735.)

**S222372****WELCH (EUGENE EVERETT) ON H.C.**

Petition for writ of habeas corpus denied

**S222375****HENDERSON (RODNEY  
WAYNE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

**S222384****ROBLES (DAVID) ON H.C.**

The petition for writ of habeas corpus is denied without prejudice to any relief to which petitioner might be entitled after this court decides *People v. Sanchez*, S216681.

**S222408****BIVENS (MARCUS G.) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769; *In re Miller* (1941) 17 Cal.2d 734, 735.)

**S222413****RICHARDSON (TROY) ON  
H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dexter* (1979) 25 Cal.3d 921, 925.)

**S222471****HEARD (CHARLES) ON H.C.**

Petition for writ of habeas corpus denied

**S222478****STEPHEN (JIMMIE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Dexter* (1979) 25 Cal.3d 921, 925-926.)

**S222480****MIJANGOS (JAIME) ON H.C.**

Petition for writ of habeas corpus denied

**S222495****BYERS (CORNELIUS) ON  
H.C.**

Petition for writ of habeas corpus denied

**S222496****TAYLOR (DARRYL  
JEWELL) ON H.C.**

Petition for writ of habeas corpus denied

**S222532****RUTLEDGE (EUGENE  
DARREL) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

**S222612****VARGAS (MIGUEL A.) ON  
H.C.**

Petition for writ of habeas corpus denied

**S222629****WHITE (LARRY LIONEL)  
ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750, 767-769.)

**S222650****ROBERTS (JUNIOR I.) ON  
H.C.**

Petition for writ of habeas corpus denied

**S222653****SUAREZ (JUAN CARLOS) ON  
H.C.**

Petition for writ of habeas corpus denied

**S222675****MEARIS (DANNY ANDREW)  
ON H.C.**

Petition for writ of habeas corpus denied

**S222677****SMITH (ERROL) ON H.C.**

Petition for writ of habeas corpus denied

**S222680****EDWARDS (ALLEN  
EUGENE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**S222913****WOOLRIDGE (RODRICK  
DWAYNE) ON H.C.**

The petition for writ of habeas corpus is denied. (See *In re Swain* (1949) 34 Cal.2d 300, 304.)

**S223641****MORALES (ALEJANDRO)  
ON H.C.**

The petition for writ of habeas corpus is denied. (See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921, 925-926.)

**S223226**

E058264 Fourth Appellate District, Div. 2

**PEOPLE v. ANTHONY  
(STEVEN VAUGHN)**

Depublication ordered (case closed)

The Reporter of Decisions is directed not to publish in the Official Appellate Reports the opinion in the above-entitled appeal filed October 23, 2014, as modified October 30 and November 12, 2014, which appears at 230 Cal.App.4th 1176. (Cal. Const., art. VI, section 14; Cal. Rules of Court, rule 8.1125(c)(1).) The matter is now final.

**S222296**

B252332 Second Appellate District, Div. 2

**TAMMAN (DAVID) v. NIXON  
PEABODY LLP**

Publication request denied (case closed)

**S222685**

E061331 Fourth Appellate District, Div. 2

**IN RE F.R.**

Publication request denied (case closed)

**S222720**

E058683 Fourth Appellate District, Div. 2

**GILDSDORF (BENJAMIN A.)  
v. DEPARTMENT OF  
MOTOR VEHICLES**

Publication request denied (case closed)

**S223156**      G050280 Fourth Appellate District, Div. 3      **WILLIAMS (WENDY JOY) v. S.C. (PEOPLE)**

Depublication request denied (case closed)

The requests for an order directing depublication of the opinion in the above-entitled proceeding are denied. The court declines to review this matter on its own motion. The matter is now final.

**S223212**      B252338 Second Appellate District, Div. 2      **ARMATO (NANCY) v. CITY OF MANHATTAN BEACH (PAUNOVICH)**

Publication request denied (case closed)

**S223351**      B243015 Second Appellate District, Div. 6      **BOWMAN (SANDRA) v. CALIFORNIA COASTAL COMMISSION**

Depublication request denied (case closed)

**S213571**      A135516 First Appellate District, Div. 4      **PEOPLE v. AGUILAR (OCTAVIO)**

Time extended to consider modification or rehearing

The time for granting or denying rehearing in the above-entitled case is hereby extended to April 10, 2015, or the date upon which rehearing is either granted or denied, whichever occurs first.

**S029843**      **PEOPLE v. BECK (JAMES DAVID) & CRUZ (GERALD DEAN)**

Withdrawal of counsel allowed by order

Good cause appearing, the application of appointed counsel for permission to withdraw as the appellate attorney of record for appellant Gerald Dean Cruz, filed January 7, 2015, is granted. The order appointing the State Public Defender as counsel of record for appellant Gerald Dean Cruz, filed December 1, 1995, is hereby vacated to the extent that it appoints the State Public Defender to represent appellant Gerald Dean Cruz in his pending automatic appeal.

Upon request of appellant for appointment of counsel, William T. Lowe is hereby appointed as counsel of record to represent appellant Gerald Dean Cruz for the direct appeal in the above automatic appeal now pending in this court.

The State Public Defender remains as appointed habeas corpus counsel of record for appellant Gerald Dean Cruz.



**S095223****PEOPLE v. BLOOM  
(ROBERT MAURICE)**

Withdrawal of counsel allowed by order

Good cause appearing, the application of appointed counsel for permission to withdraw as attorney of record for appellant Robert Maurice Bloom, filed January 7, 2015, is granted.

The order appointing the State Public Defender as appellate counsel of record for appellant Robert Maurice Bloom, filed September 25, 2003, is hereby vacated.

Upon request of appellant for appointment of counsel, William T. Lowe is hereby appointed as counsel of record to represent appellant Robert Maurice Bloom for the direct appeal in the above automatic appeal now pending in this court.

**S146528****PEOPLE v. SNYDER  
(JANEEN MARIE) &  
THORNTON (MICHAEL  
FORREST)**

Withdrawal of counsel allowed by order

Good cause appearing, the application of appointed counsel for permission to withdraw as attorney of record for appellant Michael Forrest Thornton, filed January 7, 2015, is granted.

The order appointing the State Public Defender as appellate counsel of record for appellant Michael Forrest Thornton, filed May 4, 2011, is hereby vacated.

Upon request of appellant for appointment of counsel, William T. Lowe is hereby appointed as counsel of record to represent appellant Michael Forrest Thornton for the direct appeal in the above automatic appeal now pending in this court.

**S155689****DAVENPORT (JOHN GALEN)  
ON H.C.**

Order filed

Petitioner John Galen Davenport's "Motion to File Supplemental Exhibits 107, 108, and 109 in Support of Petition for Writ of Habeas Corpus," filed on September 23, 2014, is granted in part.

The motion is granted as to proposed Exhibit 109 (the declaration of David R. Evans). In all other respects, the motion is denied.

**S218400**

B243800 Second Appellate District, Div. 2

**IN RE TRANSIENT  
OCCUPANCY TAX CASES**

Motion to file document under seal granted

Good cause appearing, the renewed application of petitioner City of San Diego to file under seal the unredacted version of Petitioner's Opening Brief on the Merits, received on January 27, 2015, is granted. The Clerk is directed to file the brief under seal. (Cal. Rules of Court, rule 8.46(f)(2)(B).)