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**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

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**Louis Micharl Abramo,**  
Petitioner

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-vs-

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**Charles Ryan, et al.,**  
Respondents

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CV-10-0006-PHX-JWS (JRI)

**ORDER**

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Under consideration is Respondents' Motion to File Under Seal, filed August 25, 2010 (Doc. 16). Respondents seek to file under seal six exhibits (Doc. 17) to their Response (Doc. 15) to the Petitioner's habeas petition, citing as cause the nature of the exhibits as mental-health evaluations, and that they have been sealed by the state courts. Petitioner has not responded, and the time to respond has run.

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*Id.*

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Other Courts have approved of the sealing of psychiatric records. *See e.g. Doe v.*

1 *Oberweis Dairy*, 456 F.3d 704, 718 (7<sup>th</sup> Cir. 2006) (civil case); *U.S. v. Antone*, 981 F.2d  
2 1059, 1062 (9<sup>th</sup> Cir. 1992) (criminal case, sealing witness's psychiatric records). The United  
3 States Supreme Court has recognized that "confidential communications between a licensed  
4 psychotherapist and her patients in the course of diagnosis or treatment are protected from  
5 compelled disclosure." *Jaffee v. Redmond*, 518 U.S. 1, 15 (1996).

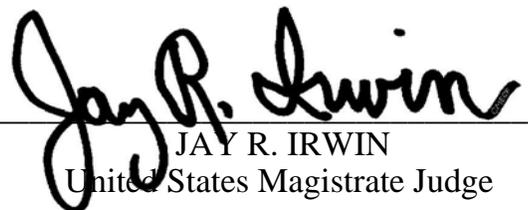
6 Here, the submitted records contain extensive and detailed evaluations of Petitioner's  
7 mental, developmental, and family history, as well as his mental health treatment and  
8 behavior during efforts to restore him to competency to stand trial. The unsealing of those  
9 records would effectively waive whatever remains of Petitioner's privilege. Given the  
10 revelations in those records, they would likely subject Petitioner to public scandal even  
11 beyond the generic reprobation inherent in his conviction and its circumstances. Moreover,  
12 the public filing of records of the state courts previously sealed by those courts would display  
13 a lack of comity, particularly where no opposition to the sealing is voiced, and no specific  
14 reason for unsealing (beyond the presumption in favor of it) is apparent. Those are each  
15 "compelling reasons" to seal the records.

16 **IT IS THEREFORE ORDERED** that Respondents' Motion to File Under Seal, filed  
17 August 25, 2010 (Doc. 16) is **GRANTED**.

18 **IT IS FURTHER ORDERED** that Respondents' proposed Exhibits, lodged August  
19 25, 2010 (Doc. 17) shall be **FILED UNDER SEAL**.

20 **IT IS FURTHER ORDERED** that Petitioner shall have fourteen days from the filing  
21 of this Order to reply in support of his habeas petition.

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23 DATED: September 28, 2010

  
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JAY R. IRWIN  
United States Magistrate Judge

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