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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Bobbi Lee Felix,

Plaintiff,

vs.

United States of America,

Defendant.

No. CV-11-01203-PHX-PGR

ORDER

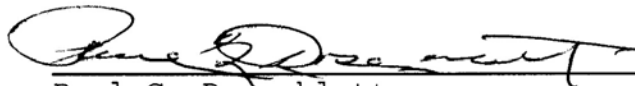
Having reviewed Defendant’s Motion to File Under Seal (Doc. 73), the Court finds that it should be denied without prejudice notwithstanding that the plaintiff’s response (Doc. 78) to the motion states that she has no objection to the motion.

The defendant seeks to file under seal two exhibits to the Statement of Facts it filed in support of its Motion for Summary Judgment. The Ninth Circuit has made it clear that the party seeking to seal an attachment to a summary judgment motion bears the burden of overcoming the strong presumption in favor of public access to judicial records by articulating “compelling reasons supported by specific factual findings ... that outweigh the general history of access and the public policies favoring disclosure.” Kamakana v. City and County of Honolulu,

1 447 F.3d 1172, 1178-79 (9<sup>th</sup> Cir.2006). The cursory, one-sentence reason  
2 advanced by the defendant for the requested sealing, which is that “[s]aid exhibits  
3 were produced by the Customs and Border Patrol agency and are considered to  
4 contain non-public, confidential information[,]” patently fails to satisfy the  
5 “compelling reasons” standard. Therefore,

6 IT IS ORDERED that Defendant’s Motion to File Under Seal (Doc. 73) is  
7 denied without prejudice.

8 DATED this 29<sup>th</sup> day of August, 2012.

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11 Paul G. Rosenblatt  
United States District Judge