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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CARLOS HENDON,  
Plaintiff,  
vs.  
BAROYA, et al.,  
Defendants.

1:05-cv-01247-AWI-GSA-PC  
ORDER GRANTING DEFENDANT  
PHAM'S REQUEST TO FILE  
DOCUMENTS UNDER SEAL  
(Doc. 108.)  
ORDER DIRECTING CLERK TO FILE  
DOCUMENTS UNDER SEAL  
(Doc. 109.)

**I. BACKGROUND**

Carlos Hendon ("Plaintiff") is a state prisoner proceeding pro se with this civil rights action under 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on September 30, 2005. (Doc. 1.) This action now proceeds on Plaintiff's Second Amended Complaint filed on June 26, 2008, against defendants Baroya, Pham, Nguyet, Hoppe, Griffin and Reidman for subjecting him to cruel and unusual punishment in violation of the Eighth Amendment. (Doc. 18.) On October 1, 2012, defendants Baroya, Griffin, Hoppe, Nguyet, and Reidman filed a motion for summary judgment, which is pending. (Doc. 93.) Defendant Pham's motion for summary judgment, filed on November 30, 2012, is also pending. (Doc. 107.)

On November 30, 2012, Defendant Pham filed a request to file confidential documents under seal. (Doc. 108.)



1 **III. DISCUSSION**

2 The Court does not seal case documents or exhibits from public view without good cause. Here,  
3 Defendant represents that the documents at issue contain confidential medical information protected by  
4 HIPPA. The Court has made an in camera review of the documents to determine if the information is  
5 of a nature that clearly would require the Court to maintain confidentiality. The Court finds that the  
6 documents contain protected medical information. The Court agrees that in this case the disclosure of  
7 the documents would be against the public interest because the need to protect confidential medical  
8 information outweighs any necessity for disclosure. It is the practice of this Court to maintain case  
9 documents under seal for an undetermined time period, until they are ordered unsealed by the Court.  
10 Accordingly, the Court shall grant defendant Pham’s request to file the documents under seal. The Clerk  
11 of Court shall be directed to file under seal the documents submitted on paper by defendant Pham on  
12 December 3, 2012, until they are ordered unsealed by the court.

13 **IV. CONCLUSION**

14 Based on the foregoing, IT IS HEREBY ORDERED that:

- 15 1. Defendant Pham’s request to file confidential documents under seal, filed on November  
16 30, 2012, is GRANTED;
- 17 2. The Clerk of Court is DIRECTED to file under seal the documents submitted on paper  
18 by Defendants on December 3, 2012, until they are ordered unsealed by the Court,  
19 including:
  - 20 (1) “Exhibit A” - Medical Records of Carlos Hendon (exhibits to defendant Pham’s  
21 motion for summary judgment of November 30, 2012),
  - 22 (2) Memorandum of Points and Authorities in Support of Motion to File Documents  
23 Under Seal in Connection With Defendant Luong Pham, M.D.’s Motion for  
24 Summary Judgment,
  - 25 (3) Declaration of Van Longyear in Support of Defendant Luong Pham, M.D.’s  
26 Motion to File Documents Under Seal in Connection With Defendant Luong  
27 Pham, M.D.’s Motion for Summary Judgment, and

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(4) [Proposed] Order Regarding Defendant's Motion to File Documents Under Seal  
in Connection With Defendant Luong Pham, M.D.'s Motion for Summary  
Judgment.

IT IS SO ORDERED.

**Dated: December 5, 2012**

**/s/ Gary S. Austin**  
**UNITED STATES MAGISTRATE JUDGE**