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**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

SERGIO ALEJANDRO GAMEZ,

1:08-cv-01113-LJO-GSA-PC

Plaintiff,

ORDER DENYING EX PARTE REQUEST TO  
SEAL DOCUMENTS

v.

F. GONZALEZ, et al.,

ORDER FOR CLERK TO RETURN  
DOCUMENTS TO PLAINTIFF, AND TO  
SEND PLAINTIFF A COPY OF LOCAL RULE  
141

Defendants.

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**I. BACKGROUND**

Sergio Alejandro Gamez (“Plaintiff”) is a state prisoner proceeding pro se in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff filed this action on August 1, 2008. (Doc. 1.) This action now proceeds on the Second Amended Complaint filed on April 1, 2009. (Doc. 13.)

On September 1, 2011, the Court granted Defendants’ motion for summary judgment and entered judgment in favor of Defendants, closing this action. (Doc. 109, 110.) On September 16, 2011, Plaintiff filed a notice of appeal to the Ninth Circuit. (Doc. 111.) On July 25, 2012, the Ninth Circuit affirmed in part, vacated in part, and remanded in part the district court’s decision. (Doc. 116.) On July 25, 2012, the case was reopened at the district court.

This action now proceeds against defendants F. Gonzalez (Warden, CCI), Captain S. Wright, N. Grannis (Chief of Inmate Appeals), K. Berkeler (Senior Special Agent), K. J. Allen (Appeals Examiner), M. Carrasco (Associate Warden, CCI), Lieutenant J. Gentry, and K. Sampson (Appeals

1 Coordinator), on Plaintiff's due process claims concerning his 2010 re-validation as a gang associate,  
2 and Plaintiff's retaliation claims associated with the 2010 re-validation. (Doc. 116.)

3 On November 28, 2012, Plaintiff submitted a request to seal documents.

4 **II. REQUEST TO SEAL DOCUMENTS**

5 Plaintiff has submitted documents to the court, requesting the court to file the documents  
6 under seal. Plaintiff's request to seal does not meet the requirements of Local Rule 141, which  
7 requires the party seeking to seal the documents to submit a "Notice of Request to Seal Documents"  
8 which "shall describe generally the documents sought to be sealed, the basis for sealing, the manner  
9 in which the 'Request to Seal Documents,' proposed order, and the documents themselves were  
10 submitted to the Court, and whether the Request, proposed order, and documents were served on all  
11 other parties." L.R. 141(b). Plaintiff shall be provided with a copy of Local Rule 141 for his use.  
12 Plaintiff is instructed to review Local Rule 141 in its entirety and, if Plaintiff chooses to renew the  
13 request to seal documents, to comply with all parts of the Local Rule. Accordingly, Plaintiff's  
14 request to seal shall be denied without prejudice.

15 **II. CONCLUSION**

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

- 17 1. Plaintiff's request to seal documents is DENIED for failure to comply with Local  
18 Rule 141, without prejudice; and  
19 2. The Clerk of Court is DIRECTED to send to Plaintiff:  
20 (1) All of the documents submitted by Plaintiff to the Court on November 28,  
21 2012, and  
22 (2) A copy of Local Rule 141.

23  
24 IT IS SO ORDERED.

25 **Dated: November 30, 2012**

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