

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

SERGIO ALEJANDRO GAMEZ,
CDCR #C-47759

Plaintiff,

v.

F. GONZALES *et al.*,

Defendants.

Civil No. 08cv1113-L(PCL)

**ORDER (1) DENYING
DEFENDANTS' EX PARTE
MOTION FOR ORDER TO FILE
CONFIDENTIAL DOCUMENTS
UNDER SEAL; AND (2) DENYING
PLAINTIFF'S MOTION FOR
RECONSIDERATION**

On May 23, 2011 Defendants in this civil rights action by a state prisoner proceeding *pro se* filed an Ex Parte Motion for Order to File Confidential Documents Under Seal, seeking to seal in excess of 200 pages of exhibits and Declaration of Josh Tyree as well as in excess of 200 pages of exhibits. By order filed May 26, 2011 the ex parte motion was denied without prejudice to renewing it, provided Defendants showed specific compelling reasons why each portion of the declaration and exhibits should be sealed in light of the fact that much of what was contained therein had already been disclosed by Defendants in their filings. Defendants were admonished that the court would not entertain a motion for wholesale sealing of voluminous documents without a specific showing supporting such a request.

On June 1, 2011 Defendants filed another Ex Parte Motion for Order to File Confidential Documents Under Seal, again requesting to seal the entirety of Josh Tyree's declaration and

1 voluminous exhibits. Defendants' June 1, 2011 ex parte motion is **DENIED** for failure to
2 comply with the May 26, 2011 order. No later than June 27, 2011 Defendants shall make
3 arrangements to retrieve the documents they sought to file under seal.

4 On June 7, 2011 Plaintiff filed a Motion of Reconsideration [*sic*] of the Court's Order of
5 Denial Without Prejudice of Ex Parte Motion for Order to File Confidential Documents Under
6 Seal, which Defendants opposed. In his motion Plaintiff requested to obtain full access to the
7 documents Defendants requested to be sealed. Because Defendants' renewed motion is denied
8 and the documents Defendants requested to be sealed will not be used in consideration of the
9 pending motions for summary judgment, Plaintiff's motion for reconsideration, together with his
10 request for access to the documents, is **DENIED** as moot.

11 **IT IS SO ORDERED.**

12
13 DATED: June 20, 2011

14 
15 M. James Lorenz
16 United States District Court Judge

17 COPY TO:

18 HON. PETER C. LEWIS
19 UNITED STATES MAGISTRATE JUDGE

20 ALL PARTIES/COUNSEL
21
22
23
24
25
26
27
28