

1 that “because it is very difficult to disentangle those pages that do not contain confidential material
2 from those pages and excerpts that contain confidential material,” counsel requested that all of the
3 documents be filed under seal. (Doc. 14).

4 The Court has reviewed the documents and is of the opinion that it is not as difficult as
5 Petitioner has suggested to separate the confidential materials relating to Petitioner’s medical
6 condition and treatment from those documents that do not contain confidential materials. For
7 example, most of Volume I contains court documents related to Petitioner’s conviction, e.g., court
8 transcripts, briefs, etc. The only documents in Volume I that appear to contain any confidential
9 information are those at Tabs 12, 13, and 14, respectively the DMH Wellness and Recovery Plan
10 March 24, 2010; the January 30, 2009 report by Jay Adams, Ph.D.; and the May 21, 2007 report by L.
11 C. Miccio-Fonseca, Ph.D.

12 By contrast, Volume II appears to be comprised mostly of documents containing confidential
13 information, with the exception of Tab 22, which is the January 21, 2011 sentencing hearing
14 transcript. Accordingly, the Court will partially grant the motion to seal based on the discussion above.

15 **ORDER**

16 In light of the confidential nature of the documents discussed above, the Court **ORDERS**:

17 1. Petitioner’s motion to file documents under seal (Doc. 14), is **GRANTED in part** and
18 **DENIED in part**;

19 a. As to those documents found at Tabs 12-14 in Volume I and all documents in
20 Volume II, except for the document at Tab 22, the motion is **GRANTED**, and the Clerk of the
21 Court is **DIRECTED** to file these documents under seal;

22 b. The motion is **DENIED** as to all other documents submitted with the first
23 amended petition.

24
25 IT IS SO ORDERED.

26 Dated: November 15, 2013

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE