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8	UNITED STATES DISTRICT COURT	
9	EASTERN DISTRICT OF CALIFORNIA	
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11	THOMAS EARL PUTNEY,) Case No.: 1:13-cv-00771-JLT
12	Petitioner,	 ORDER GRANTING IN PART PETITIONER'S MOTION TO FILE DOCUMENTS UNDER SEAL
13	v.	ý)
14	BRIAN DUFFY,) (Doc. 14))
15	Respondent.)
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17	Petitioner is a state prisoner proceeding through appointed counsel with a petition for writ of	
18	habeas corpus pursuant to 28 U.S.C. § 2254.	
19	PROCEDURAL HISTORY	
20	The instant petition was filed on May 23, 2013. (Doc. 1). On May 28, 2013, the Court ordered	
21	Petitioner to file a first amended petition. (Doc. 4). On June 20, 2013, before filing a first amended	
22 23	petition, Petitioner requested the appointment of counsel. (Doc. 5). On July 5, 2013, the Court appointed counsel for Petitioner. (Doc. 7). On October 28, 2013, Petitioner's counsel filed a first	
23 24	amended petition for writ of habeas corpus that included voluminous exhibits. (Doc. 13).	
24 25	Contemporaneous with the filing of the first amended petition, Petitioner's counsel also filed a notice	
23 26	to seal documents, in which counsel indicated that Petitioner's mental state was an issue in this case,	
27	that the approximately 400 pages of materials submitted with the first amended petition contained	
28	various medical and psychiatric reports concerning Petitioner's mental condition and treatment, but	
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that "because it is very difficult to disentangle those pages that do not contain confidential material from those pages and excerpts that contain confidential material," counsel requested that all of the documents be filed under seal. (Doc. 14).

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

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

<u>ORDER</u>

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

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

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

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

25 || IT IS SO ORDERED.

Dated: November 15, 2013

/s/ Jennifer L. Thurston UNITED STATES MAGISTRATE JUDGE