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

ERIC GREEN,	)	Case No.: 1:14-cv-00297 LJO JLT
	)	
Plaintiff,	)	ORDER DENYING EX PARTE REQUEST TO
	)	SEAL LODGED DOCUMENTS
v.	)	
	)	
CORRECTIONS OFFICER O. DELGADO, et al.,	)	ORDER DISREGARDING LODGED MOTION
	)	
Defendants.	)	
	)	

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On November 22, 2014, Plaintiff forwarded documents to the Court ex parte and requested that they be sealed. Nevertheless, Plaintiff failed to comply with Local Rule 141 related to requests to seal documents and failed to set forth any justification for sealing.<sup>1</sup> Thus, the request to seal the documents is **DENIED WITHOUT PREJUDICE**.

**I. Legal Authority**

The request to seal documents is controlled by Federal Rule of Civil Procedure 26(c). The Rule permits the Court to issue orders to “protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including . . . requiring that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a specified way.” Only if good cause exists may the Court seal the information from public view after

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<sup>1</sup> The Local Rule cited by Plaintiff fails to provide support for his position that the document should be sealed.

1 balancing “the needs for discovery against the need for confidentiality.” Pintos v. Pac. Creditors  
2 Ass’n, 605 F.3d 665, 678 (9th Cir. Cal. 2010) (quoting Phillips ex rel. Estates of Byrd v. Gen. Motors  
3 Corp., 307 F.3d 1206, 1213 (9th Cir. 2002)).

4 Generally, documents filed in civil cases are presumed to be available to the public. EEOC v.  
5 Erection Co., 900 F.2d 168, 170 (9th Cir. 1990); see also Kamakana v. City and County of Honolulu,  
6 447 F.3d 1172, 1178 (9th Cir.2006); Foltz v. State Farm Mut. Auto Ins. Co., 331 F.3d 1122, 1134 (9th  
7 Cir.2003). Documents may be sealed only when the compelling reasons for doing so outweigh the  
8 public’s right of access. EEOC at 170. In evaluating the request, the Court considers the “public  
9 interest in understanding the judicial process and whether disclosure of the material could result in  
10 improper use of the material for scandalous or libelous purposes or infringement upon trade secrets.”  
11 Valley Broadcasting Co. v. United States District Court, 798 F.2d 1289, 1294 (9<sup>th</sup> Cir. 1986).

12 Notably, this Court’s Local Rule 141 sets forth how a request to seal documents should  
13 proceed. First, the requesting party should file on the public docket a Notice of Request to Seal  
14 Documents. L.R. 141(a). Concurrently with this filing, the requesting party must lodge a Request to  
15 Seal Documents which addresses the specific pages of the documents sought to be sealed, the  
16 information contained therein and explanation for why the information should be shielded from public  
17 view. L.R. 141(b). Ideally, at this time, the moving party would lodge also a proposed redacted copy  
18 of the documents with the confidential information obliterated, if any portion of the document is not  
19 subject to sealing. The email containing this lodged information must be copied to opposing counsel  
20 unless there is sufficient explanation set forth why the matter should proceed ex parte. Then, if there  
21 is no objection to the request to seal (L.R. 141(c)), the Court must determine whether each of the  
22 pages of the document should be shielded from public view or to what extent they should be.

23 Based upon the foregoing, the Court **ORDERS**:

24 1. The request to file the lodged documents under seal is **DENIED WITHOUT**  
25 **PREJUDICE**;

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1           2.       Because the lodged motion was not filed on the public docket and the Court denies the  
2 request to file it under seal, the lodged motion is **DISREGARDED**.

3  
4 IT IS SO ORDERED.

5       Dated: November 26, 2014

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE