

1 Ass'n, 605 F.3d 665, 678 (9th Cir. Cal. 2010) (quoting Phillips ex rel. Estates of Byrd v. Gen. Motors
2 Corp., 307 F.3d 1206, 1213 (9th Cir. 2002)).

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

11 Notably, this Court's Local Rule 141 sets forth how a request to seal documents should be
12 made. In addition, the legal authority recited here demonstrates that sealing may occur *only* if good
13 cause is shown. Despite this, the request here provides little discussion why information should be
14 sealed. Instead, the only explanation is that the information was designated as "confidential"¹ during
15 the discovery process. (Doc. 103 at 2) Though the Court issued the stipulated protective order, this
16 order did not authorize filings under seal. (Doc. 90 at 6-7) By citing to the Court's Local Rule 141(e),
17 the protective order indicates only that if the Court allows sealing, the sealed documents would be
18 destroyed.² Id. at 7. Thus, the Court does not know why the plaintiff³ contends the documents should
19 be sealed and cannot, therefore, find the good cause needed to grant the request.

20 **ORDER**

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

22 1. Plaintiff's request to seal (Doc. 103) is **DENIED** without prejudice. Plaintiff may
23 renew his request for sealing or, if he chooses not to do so, **SHALL** file unredacted copies of the
24 materials, no later than February 9, 2018. If he chooses to renew his request, he **SHALL** comply with
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27 ¹ The fact that counsel felt the information should be made confidential is insufficient for the Court to satisfy its duty to
ensure that only where good cause exists should the public be deprived of access to its filings.

28 ² Because requests to seal almost always are now lodged electronically, generally, the Court does not retain the unredacted
copies and deletes the electronic communication, once the reason for the filing, e.g., a motion or trial, is complete.

³ Notably, the defendants have not responded to the request to seal.

1 this Court's Local Rule 141.

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3 IT IS SO ORDERED.

4 Dated: February 6, 2018

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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