1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 9 EASTERN DISTRICT OF CALIFORNIA 10 11 GARY RAY BETTENCOURT, Case No. 1:16-cv-00150-DAD-BAM (PC) 12 Plaintiff. ORDER DENYING DEFENDANTS' MOTION TO COMPEL WITHOUT 13 v. **PREJUDICE** 14 PARKER, et al., (ECF No. 71) 15 Defendants. ORDER DIRECTING DEFENDANTS TO REFILE MOTION TO COMPEL IN 16 COMPLIANCE WITH LOCAL RULE 141 17 **SEVEN (7) DAY DEADLINE** 18 Plaintiff Gary Ray Bettencourt ("Plaintiff") is a state prisoner proceeding pro se and in 19 20 forma pauperis in this civil rights action pursuant to 42 U.S.C. § 1983. This action proceeds on 21 Plaintiff's claims of deliberate indifference in violation of the Eighth Amendment against 22 Defendant Crooks for pulling two teeth that did not need to be pulled, and against Defendants 23 Parker and Guzman for filing down six healthy teeth with a dental tool used for drilling cavities. 24 On May 28, 2021, Defendants filed a Motion to Compel Plaintiff to Respond to Defendants' Discovery Responses. (ECF No. 71.) Defendants also submitted a Notice of 25 26 Request to Seal Documents pursuant to Local Rule 141, specifically, Defendants request that the 27 Court seal certain redacted dental records of Plaintiff that were filed in support of the motion to 28 compel. (ECF No. 72.) Though Defendants have separately submitted the medical records at

issue to the Court for review, the records are also attached to Defendants' motion to compel, which was electronically filed on the public docket.

Pursuant to Local Rule 141, a party seeking to seal documents shall submit a "Notice of Request to Seal Documents," a "Request to Seal Documents," a proposed order, and all documents covered by the Request. L.R. 141(b). While the "Notice of Request to Seal Documents" shall be filed electronically, the "Request to Seal Documents," the proposed order, and all documents covered by the Request shall be either emailed to the appropriate Judge or Magistrate Judge's proposed orders e-mail box or submitted on paper to the Clerk. "In either case, the Request, proposed order, and submitted documents shall not be filed at this time." (*Id.* (emphasis added).)

Although the Court has not yet reviewed Defendants' Request to Seal, in an abundance of caution the Court has sealed Defendants' Motion to Compel to prevent public access to the medical records in question. The motion is denied without prejudice, and Defendants are instructed to refile the Motion to Compel in compliance with Local Rule 141. Specifically, Defendants shall <u>not</u> file on the public docket any of the documents or pages they wish to be sealed. Defendants are not required to resubmit the documents to be sealed to chambers unless they are changing their request to seal.

Accordingly, IT IS HEREBY ORDERED as follows:

- 1. Defendants' Motion to Compel, (ECF No. 71), is DENIED, without prejudice; and
- 2. Within **seven (7) days** from the date of service of this order, Defendants shall refile the Motion to Compel in compliance with Local Rule 141.

/s/ Barbara A. McAuliffe

IT IS SO ORDERED.

Dated: **June 1, 2021**

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