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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GARY RAY BETTENCOURT,
Plaintiff,
v.
PARKER, *et al.*,
Defendants.

Case No. 1:16-cv-00150-DAD-BAM (PC)
**ORDER GRANTING DEFENDANTS’
REQUEST TO SEAL RECORDS**
(ECF No. 92)

Plaintiff Gary Ray Bettencourt (“Plaintiff”) is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action under 42 U.S.C. § 1983. This action proceeds on Plaintiff’s claims of deliberate indifference in violation of the Eighth Amendment against Defendant Crooks for pulling two teeth that did not need to be pulled, and against Defendants Parker and Guzman for filing down six healthy teeth with a dental tool used for drilling cavities.

On October 15, 2021, Defendants filed a motion for summary judgment, together with a request to seal approximately 90 pages of Plaintiff’s redacted dental records filed in support of Defendants’ motion for summary judgment. (ECF Nos. 91, 92.) Although Plaintiff has not yet had the opportunity to respond to the request to seal, the Court finds a response unnecessary, and the request to seal is deemed submitted. Local Rule 230(1).

Defendants explain that the dental records are filed in support of their motion for summary judgment, which was filed contemporaneously with the request to seal. The records sought to be sealed are 87 pages of dental records, along with three pages confirming that the

1 records are authentic and that Plaintiff has agreed to release the records. The records are
2 exclusively related to Plaintiff's dental treatment, and privacy concerns exist in relation to the
3 records given they relate to Plaintiff's dental care. Furthermore, public access to the records risks
4 interfering with the ability of prison dental staff to confidently provide medical services, due to
5 unmerited criticism by those gaining access to Plaintiff's records. Defendants therefore request
6 that the Court seal the records, offered as the entirety of Exhibit C to the Declaration of Deputy
7 Attorney General Jason R. Cale, filed in support of Defendants' motion for summary judgment.

8 Filings in cases such as this are a matter of public record absent compelling justification.
9 *United States v. Stoterau*, 524 F.3d 988, 1012 (9th Cir. 2008). However, "[t]his court, and others
10 within the Ninth Circuit, have recognized that the need to protect medical privacy qualifies as a
11 'compelling reason' for sealing records." *Chester v. King*, 2019 WL 5420213, at *2 (E.D. Cal.
12 Oct. 23, 2019).

13 The Court has conducted an *in camera* review of the documents and pages at issue and
14 determined that they contain Plaintiff's medical and dental records. As such, the Court finds
15 good cause and a compelling reason for sealing the records, and Defendants' request is granted.
16 The unredacted materials will be filed and maintained under seal.

17 Based on the foregoing, IT IS HEREBY ORDERED that:

- 18 1. Defendants' request for redacted dental records filed with the motion for summary
19 judgment to be lodged under seal, (ECF No. 92), is GRANTED;
- 20 2. The submitted redacted dental records shall be filed and maintained under seal; and
- 21 3. Plaintiff's opposition or statement of non-opposition to Defendants' motion for
22 summary judgment remains due on or before **November 8, 2021**.

23
24 IT IS SO ORDERED.

25 Dated: October 21, 2021

25 /s/ Barbara A. McAuliffe
26 UNITED STATES MAGISTRATE JUDGE