

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

STEWART MANAGO,
Plaintiff,
vs.
D. DAVEY, et al.,
Defendants.

1:16-cv-00399-LJO-GSA-PC

ORDER GRANTING MOTION TO REDACT EXHIBITS (ECF No. 77.)

ORDER FOR DEFENDANTS TO RE-SUBMIT EXHIBITS B, C, AND D, WITH THE APPROPRIATE REDACTIONS AS DISCUSSED IN THIS ORDER (ECF No. 75-2, PAGES 11-22.)

TWENTY-DAY DEADLINE

ORDER FOR CLERK TO SEAL EXHIBITS C, D, AND E, SHOWING ON THE DOCKET AS ECF NO. 75-2, PAGES 11-22.

I. BACKGROUND

Stewart Manago (“Plaintiff”) is a former state prisoner proceeding pro se and in forma pauperis with this civil rights action filed pursuant to 42 U.S.C. § 1983. Plaintiff filed the Complaint commencing this action on March 24, 2016. (ECF No. 1.) This case now proceeds with the First Amended Complaint filed on April 18, 2016, against defendants J. Acevedo, D.

1 Davey, A. Maxfield, E. Razo, M.V. Sexton, A. Valdez, and J. Vanderpoel (collectively,
2 “Defendants”), on Plaintiff’s First Amendment retaliation claims. (ECF No. 13.)

3 On February 17, 2017, Defendants filed a motion for protective order. (ECF No. 75.)
4 On the same date, after the motion was filed, Defendants filed a request to redact information
5 from Exhibits C, D, and E, which they had submitted with the motion for protective order.
6 (ECF No. 77.) Plaintiff has not opposed the motion to redact, which is now before the court.

7 **II. MOTION TO REDACT EXHIBITS**

8 **A. Legal Standard**

9 The common-law “right to inspect and copy judicial records is not absolute.” Nixon v.
10 Warner Commc’ns, Inc., 435 U.S. 589, 598 (1978). A litigant may request court records be
11 sealed or redacted. See id. (listing traditional examples). In the Ninth Circuit, courts faced
12 with requests to seal or redact begin “with a strong presumption favor of access to court
13 records.” Foltz v. State Farm Mut. Auto. Ins. Co., 331 F.3d 1122, 1135 (9th Cir. 2003).
14 However as here, for a document attached to a non-dispositive motion, the “usual presumption
15 of the public’s right of access is rebutted,” Kamakana v. City & Cnty. of Honolulu, 447 F.3d
16 1172, 1180 (9th Cir. 2006), and rather than “compelling reasons,” only “good cause” to
17 withhold the information must be shown, Kamakana, 447 F.3d at 1178 (quoting Phillips v.
18 General Motors Corp., 307 F.3d 1206, 1213 (9th Cir. 2002)). Local Rule 140 provides that
19 “when filing documents, counsel . . . shall omit or, where reference is necessary, partially
20 redact . . . personal data identifiers from all pleadings, documents, and exhibits.” L.R. 140(a)

21 **B. Discussion**

22 Defendants assert that, due to administrative error, they have filed documents
23 displaying telephone numbers and the date of birth of Pa’tashia U. Kyle, without redaction,
24 Defendants’ Exhibits C, D, and E, attached to the “Declaration of Annakarina de la Torre-
25 Fennell in support of Defendants’ Motion for Protective Order” (ECF No. 75-2), filed on
26 February 17, 2017. The court finds good cause to redact the referenced personal information
27 from these documents. Therefore, Defendants’ request to redact exhibits (ECF No. 77), filed
28 on February 17, 2017, shall be granted.

1 Defendants shall refile Exhibits C, D, and E in their entirety, with the appropriate
2 redactions. Pending the filing of the redacted documents, the Clerk of Court shall seal Exhibits
3 C, D, and E, showing on the docket as ECF No. 75-2, pages 11-22.

4 **III. CONCLUSION**

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

- 6 1. Defendants' motion to redact phone numbers and the date of birth of Pa'tashia
7 U. Kyle Plaintiff's date of birth from their Exhibits C, D, and E, attached to the
8 "Declaration of Annakarina de la Torre-Fennell in support of Defendants'
9 Motion for Protective Order" (ECF No. 75-2), is GRANTED;
- 10 2. Within twenty days of the date of service of this order, Defendants shall refile
11 Exhibits C, D, and E in their entirety, with the appropriate redactions; and
- 12 3. Pending the filing of the redacted documents, the Clerk of Court shall seal
13 Exhibits C, D, and E showing on the docket as ECF No. 75-2, pages 11-22.

14 IT IS SO ORDERED.

15 Dated: May 8, 2017

16 /s/ Gary S. Austin
17 UNITED STATES MAGISTRATE JUDGE
18
19
20
21
22
23
24
25
26
27
28