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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CAMERON TERHUNE,) Case No.: 1:16-cv-00585 DAD JLT (HC)
)
Petitioner,)
) ORDER GRANTING RESPONDENT’S REQUEST
v.) TO SEAL LODGED DOCUMENTS
)
JOE LIZARRAGA,) (Doc. 25)
)
Respondent.)
)

Before Court is the request, lodged by Respondent to file under seal the probation report prepared in Petitioner’s underlying criminal matter and a psychiatric evaluation. (Doc. 25) For the reasons set forth below, the request is **GRANTED**.

I. Legal Authority

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

1 Here, Respondent seeks to file under seal the probation report prepared in Petitioner's
2 underlying criminal matter as well as a psychiatric report. (Doc. 25) This report is made confidential
3 under California law (Cal. Pen Code § 1203.05) and contains personal identifiers which should not be
4 subject to public view. See Premium Serv. Corp. v. Sperry & Hutchinson Co., 511 F.2d 225, 229 (9th
5 Cir. 1975) (“[A] public policy against unnecessary public disclosure arises from the need, if the tax
6 laws are to function properly, to encourage taxpayers to file complete and accurate returns.”); Gabel v.
7 C.I.R., 134 F.3d 377 (9th Cir. 1998) (Social security numbers are part of tax return information and
8 are confidential.) Likewise, the psychiatric report contains information that should be maintained as
9 confidential given the nature of the information discussed in it. Thus, the Court finds a compelling
10 need for these documents to remain confidential.

11 **ORDER**

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

- 13 1. Defendants’ request to file under seal documents (Doc. 25) is **GRANTED**.

14
15 IT IS SO ORDERED.

16 Dated: November 3, 2016

17 /s/ Jennifer L. Thurston
18 UNITED STATES MAGISTRATE JUDGE