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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

AGNES XIE,

Plaintiff,

v.

DE YOUNG PROPOERTIES, 5418 L.P. (DE YOUNG),

Defendant.

Case No. 1:16-cv-01518-DAD-SKO

ORDER DENYING WITHOUT PREJUDICE PLAINTIFF’S REQUEST FOR AN ORDER SEALING DOCUMENTS

(Doc. 14)

I. INTRODUCTION

On February 3, 2017, Plaintiff Agnes Xie, proceeding *pro se*, filed a document titled “Seeking Protective Order Motion to File Under Seal” requesting that “the Court issue an Order permitting the filing under seal of the documents and expunge the electronic version of those documents” and that the Court “redact below information from Defendant’s filing and its exhibits already filed.” (Doc. 14.) The Court has reviewed Plaintiff’s request for an order sealing documents and has determined that, in its current form, it cannot be granted. For the reasons set forth below, the Court DENIES *without prejudice* Plaintiff’s request.

II. DISCUSSION

A. The Request to Seal Documents Does Not Comply with Local Rule 141.

Plaintiff’s request for a Court order sealing documents does not comply with Rule 141 (“Sealing of Documents”) of the Local Rules of the United States District Court, Eastern District of California. Pursuant to Local Rule 141(b), any party seeking to seal documents must 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). Plaintiff’s request fails to meet these

1 requirements.¹

2 Local Rule 141(b) requires that the “Request to Seal Documents” (1) set forth the statutory
3 or other authority for sealing; (2) the requested duration; (3) the identity, by name or category, of
4 persons to be permitted access to the documents; and (4) all other relevant information, and

5 be either (1) e-mailed to the appropriate Judge or Magistrate Judge’s proposed
6 orders e-mail box listed on the Court’s website, with the e-mail subject line
7 including the case number and the statement: “Request to Seal Documents”; or (2)
8 submitted on paper to the Clerk by hand delivery, by same-day or overnight
9 courier, or by U.S. Mail; the envelope containing the Request, proposed order and
10 documents shall state in a prominent manner “Request to Seal Documents.”

11 [. . .]

12 Except in matters in which it is clearly appropriate not to serve the “Request to
13 Seal Documents,” proposed order, and/or documents upon the parties, which
14 would include criminal pre-indictment matters, all Requests, proposed orders, and
15 submitted documents shall be served on all parties on or before the day they are
16 submitted to the Court. *See* L.R. 135.

17 L.R. 141(b). Plaintiff’s request does not identify the statutory or other authority for sealing, the
18 requested duration of the sealing, and the identity of persons who are permitted to access the
19 documents. (*See* Doc. 14.) Nor was Plaintiff’s request submitted to the Court or served on
20 Defendant in the manner prescribed by the Rule.

21 **B. Plaintiff’s request for an Order sealing documents is Denied Without Prejudice.**

22 Plaintiff may submit a “Request to Seal Documents” that complies with Local Rule 141
23 and corrects the deficiencies set forth in this order. In addition, Plaintiff may re-file a revised
24 “Notice of Request to Seal Documents” that (1) describes generally the documents sought to be
25 sealed; (2) the basis for sealing; (3) the manner in which the ‘Request to Seal Documents,’
26 proposed order, and the documents themselves were submitted to the Court; and (4) whether the
27 Request, proposed order, and documents were served on all other parties. *See* L.R. 141(b).

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27 Rule 183(a) of the Local Rules of the United States District Court, Eastern District of California, provides in part:
28 “Any individual representing himself or herself without an attorney is bound by the Federal Rules of Civil or Criminal
Procedure, these Rules, and all other applicable law. All obligations placed on ‘counsel’ by these Rules apply to
individuals appearing in propria persona.”).

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III. CONCLUSION AND ORDER

Accordingly, IT IS HEREBY ORDERED that Plaintiff's request for an Order sealing documents (Doc. 14) is DENIED without prejudice to renewing the request.

IT IS SO ORDERED.

Dated: February 8, 2017

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE