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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BENJAMIN K. TOSCANO,

Plaintiff,

v.

SCOTT KERNAN,

Defendant.

Case No. 1:16-cv-01554-EPG

**ORDER GRANTING REQUEST TO
SEAL DOCUMENT**

The Court has reviewed Secretary Scott Kernan’s request to seal the Departmental Review Board Action Chrono dated September 29, 2016, which is attached as Exhibit 1 to the declaration of M. Lujan in support of Secretary Kernan’s opposition to Plaintiff Benjamin K. Toscano’s requests for preliminary injunctive relief. (ECF No. 17-1.) Secretary Kernan requests the Court seal the document to ensure institutional safety and security and protect current and former gang members and associates identified in the document, as well as any persons affiliated with them, from acts of retaliation. (ECF No. 16.)

Good cause appearing, the Departmental Review Action Chrono may be filed under seal within 7 days of this order. Because it is possible that the Court may rely upon this document in deciding whether injunctive relief is appropriate, Plaintiff may request that this document be unsealed or released to him. Due to the identified security concerns, however, the Court will not

1 unseal or release the document until such time that the parties have had an opportunity to brief
2 whether release of the document is appropriate.

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4 IT IS SO ORDERED.

5 Dated: November 28, 2016

/s/ Eric P. Gray
UNITED STATES MAGISTRATE JUDGE

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