1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 HERBER MARTIN SILVAS-No. 1:18-cv-00620-SKO (HC) RODRIGUEZ, 12 Petitioner, 13 ORDER SEALING ATTACHMENT 5 TO RESPONDENT'S MOTION TO DISMISS v. 14 CRAIG APKER, Warden, 15 (Doc. 18) Respondent. 16 17 Petitioner is a federal prisoner proceeding pro se with a petition for writ of habeas corpus 18 pursuant to 28 U.S.C. § 2241. On October 4, 2018, Respondent filed a motion to seal a presentence 19 report ("PSR") pursuant to Local Rule 141(b). (Doc. 18.) 20 The Court has the authority to exercise its discretion to seal documents and set appropriate 21 limits upon access to records and files. Fed. R. Civ. P. 26(c); Local Rule 141(a); Nixon v. Warner 22 Commc'ns, Inc., 435 U.S. 589, 598 (1978); Hagestad v. Tragesser, 49 F.3d 1430, 1433-34 (9th Cir. 23 24 1995). In determining whether to seal documents, the Court should consider the interests advanced 25 by the parties in light of the public interest and the duty of the courts. Nixon, 435 U.S. at 602; 26 Hagestad, 49 F.3d at 1434. In the Ninth Circuit, there is a strong presumption in favor of access to 27 court records. See Foltz v. State Farm. Mut. Auto. Ins. Co., 331 F.3d 1122, 1135 (9th Cir. 2003)

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(stipulated order without more insufficient basis to seal court records). However, the right to access is not absolute and can be overridden where there are sufficiently compelling reasons. *Id.* Here, Respondent seeks to file under seal a PSR that was prepared in connection with Petitioner's underlying criminal case. Pursuant to Local Rule 460(a), a PSR is a confidential record of the United States District Court. Consequently, Respondent's motion to file the report under seal will be granted. Accordingly, IT IS HEREBY ORDERED that: 1. Respondent's request to seal attachment 5 to Respondent's motion to dismiss and response to 28 U.S.C. § 2241 is GRANTED; and 2. Respondent is directed to submit the documents to be sealed to the Clerk of the Court as set forth in Rule 141(e)(2)(i) of the Local Rules of the United States District Court for the Eastern District of California. IT IS FURTHER ORDERED that electronic access to the sealed documents shall be limited to Respondent and Petitioner. IT IS SO ORDERED. 1st Sheila K. Oberto Dated: **October 5, 2018** UNITED STATES MAGISTRATE JUDGE