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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

**DANA SMITHEE, et al.,**  
Plaintiffs,  
**v.**  
**CALIFORNIA CORRECTIONAL  
INSTITUTE, et al.,**  
Defendants.

Case No. 1:19-cv-00004 LJO JLT  
**ORDER DENYING MOTION TO SEAL  
CERTAIN PORTIONS OF THE MOTION TO  
AMEND THE AMENDED COMPLAINT  
(Doc. 118)**

The plaintiffs seek an order sealing portions of certain documents filed with their motion to amend their pleading. (Doc. 118) The plaintiffs offer no explanation why these documents should be sealed. At most, they assert that the information at issue comes within the protective order issued by this Court (Doc. 106). The Court has reviewed the documents at issue to attempt to discern why they should be kept from the public view, but it cannot find a basis for sealing.

Federal Rule of Civil Procedure 26(c) determines when documents may be sealed. The Rule permits the Court to issue orders to “protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense, including . . . requiring that a trade secret or other confidential research, development, or commercial information not be revealed or be revealed only in a specified way.” Only if good cause exists may the Court seal the information from public view after balancing “the needs for discovery against the need for confidentiality.” *Pintos v. Pac. Creditors Ass’n*, 605 F.3d 665, 678 (9th Cir. Cal. 2010) (quoting

1 *Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1213 (9th Cir. 2002)).

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

11 Local Rule 141 sets forth how a request to seal documents should be made. The protective  
12 order detailed that documents “protected” were not automatically entitled to be filed under seal  
13 and recited the parties’ understanding of their obligation to comply with the Rule (Doc. 106 at 2).  
14 The legal authority recited here also demonstrates that sealing may occur only if good cause is  
15 shown.

16 The Court agrees that the information sought to be sealed contains sensitive information,  
17 which reflects on the decedent’s mental health in the period leading up to his death. However, it is  
18 similar to the information set forth in all of the complaints. Thus, the Court is uncertain why this  
19 information should be redacted when the other, similar information was not. In addition, the  
20 “redacted” copy of the declaration of Dr. Chamberlain provided with the motion to seal (Doc.  
21 118-1) is easily readable and would not shield the information from public view. Because there is  
22 not good cause shown for the request, the request is **DENIED**.

23  
24 IT IS SO ORDERED.

25 Dated: December 6, 2021

/s/ Jennifer L. Thurston  
26 CHIEF UNITED STATES MAGISTRATE JUDGE  
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