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7 UNITED STATES DISTRICT COURT
8 EASTERN DISTRICT OF CALIFORNIA
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10 JERRY VALDIVIA, ALFRED YANCY,
11 and HOSSIE WELCH, on their own
12 behalf and on behalf of the class
13 of all persons similarly situated,

14 Plaintiffs,

NO. CIV. S-94-671 LKK/GGH

15 v.

O R D E R

16 EDMUND G. BROWN, JR., Governor of
17 the State of California, et al.,

18 Defendants.
19 _____/

20 On August 31, 2011, plaintiffs filed a Notice of Request to
21 Seal Documents, ECF No. 1687. In the request, plaintiffs request
22 that the following documents be filed under seal: Declaration of
23 Ernest Galvan In Support of Plaintiffs' Motion to Enforce
24 Injunction and Prohibit Implementation of § 5.3 of Proposition 9
25 and the accompanying Exhibits A-G, which consist of CDCR forms
26 pertaining to the identification of individual parolees'
disabilities and effective communications needs and
accommodations provided to parolees in the revocation process.

1 Plaintiffs contend that the documents include confidential
2 information identifying inmates. Plaintiffs have concurrently
3 filed redacted copies of the documents.

4 When a party seeks to seal a document that is part of the
5 judicial record, it must show "compelling reasons" for doing so.
6 Pintos v. Pac. Creditors Ass'n, 605 F.3d 665, 678 (9th Cir.
7 2010). See also Kamakana v. City & County of Honolulu, 447 F.3d
8 1172, 1178 (9th Cir. 2006); Foltz v. State Farm Mut. Auto. Ins.
9 Co., 331 F.3d 1122, 1135 (9th Cir. 2003). "A party seeking to
10 seal judicial records must show that 'compelling reasons
11 supported by specific factual findings . . . outweigh the
12 general history of access and the public policies favoring
13 disclosure.'" Pintos, id. (quoting Kamakana, 447 F.3d at 1178).

14 A lower, 'good cause' standard is applied when a party
15 seeks to seal non-dispositive motions and discovery documents
16 attached to them. "The public's interest in accessing
17 dispositive materials does not apply with equal force to non-
18 dispositive materials. In light of the weaker public interest in
19 non-dispositive materials, we apply the 'good cause' standard
20 when parties wish to keep them under seal." Pintos, 605 F.3d at
21 678. redacted copies of the documents.

22 For the foregoing reasons, the Court tentatively GRANTS
23 plaintiffs' application. Plaintiffs are cautioned, however, that
24 this sealing is tentative. Kamakana, 447 F.3d at 1186. The court
25 will revisit whether these documents should be permanently
26 sealed at a later time, when it is possible to perform the fact

1 specific analysis required by Foltz.


2 IT IS SO ORDERED.

3 DATED: September 7, 2011.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT

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