

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

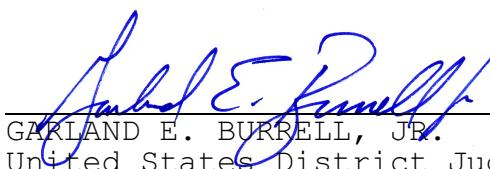
On April 6, 2009, Defendant University of Phoenix ("University") filed a motion to seal; and on April 7, 2009, University filed a request for leave of court to replace Exhibit 1 in this motion. However, the University has failed to show in its April 6 motion that the sealing order it seeks is appropriate under the applicable standard. See Kamakana v. City and County of Honolulu, 447 F.3d 1172, 1178 (9th Cir. 2006) (discussing sealing standards). Therefore, the University's April 6 motion for a sealing order is denied.

Since this motion is denied, it is unnecessary to reach decision on the University's request for leave to replace Exhibit 1

1 in the April 6 motion because all the documents the University  
2 submitted in conjunction with this motion for in camera review  
3 shall be returned to the University's counsel. See United States  
4 v. Baez-Alcaino, 718 F.Supp. 1503, 1506 (M.D.Fla.1989) (explaining  
5 that when a judge decides in camera that a document has not been  
6 shown appropriate for sealing, the document should be returned to  
7 the submitting party, who may then decide what to do).

8 IT IS SO ORDERED.

9 Dated: April 8, 2009

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11 GARLAND E. BURRELL, JR.  
12 United States District Judge

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