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

MICHAEL A. HUNT,

Plaintiff,

No. 2:08-cv-0181 MCE CKD P

vs.

D. RIOS, et al.,

Defendants.

ORDER

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I. Introduction

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, filed this action pursuant to 42 U.S.C. § 1983. In the operative Second Amended Complaint, plaintiff alleges that defendants Rios and Fields retaliated against him for exercising his First Amendment right to file grievances and pursue civil rights litigation. Plaintiff alleges that this retaliation consisted of filing false reports in plaintiff's central file of plaintiff's interactions with members of the Blood disruptive group. (See Dkt. No. 36 (SAC), ¶¶ 35-37.) Plaintiff and defendants have filed motions for summary judgment. (Dkt. Nos. 60, 65.) Pending before the court is defendants' June 1, 2012 motion to review documents in camera and file them under seal. (Dkt. No. 76.) Plaintiff has not filed an opposition.

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1 II. Motion to Seal Documents

2 Most courts recognize a presumption of public access to court records based on
3 common law and First Amendment grounds. The public therefore normally has the right to
4 inspect and copy documents filed with the court. See Nixon v. Warner Comm., Inc., 435 U.S.
5 589, 597–98 (1978); Globe Newspaper v. Superior Court for Norfolk County, 457 U.S. 596, 603
6 (1982); Phillips ex rel. Estates of Byrd v. General Motors Corp., 307 F.3d 1206, 1212 (9th Cir.
7 2002). However, public access may be denied where the court determines that court-filed
8 documents may be used for improper purposes. Nixon, 435 U.S. at 598; Hagestad v. Tragesser,
9 49 F.3d 1430, 1433–1434 (9th Cir. 1995). Courts should consider “the interests advanced by the
10 parties in light of the public interest and the duty of the courts.” Id. at 1434 (quoting Nixon, 435
11 U.S. at 602). The Supreme Court has acknowledged that the decision to seal documents is “one
12 best left to the sound discretion of the trial court, a discretion to be exercised in light of the
13 relevant facts and circumstances of the particular case.” Id. at 599. After taking all relevant
14 factors into consideration, the district court must base its decision on a compelling reason and
15 articulate the factual basis for its ruling, without relying on hypothesis or conjecture. Hagestad,
16 49 F.3d at 1434. Local Rule 141 allows the court to seal documents only upon written order. L.R.
17 141(a). Generally, the contents of such documents are of a nature that require the court to
18 maintain the confidentiality of the document. For example, the contents may reveal information
19 that may jeopardize the safety of particular individuals.

20 Defendants move the court to review in camera and file under seal “for seventy-
21 five years” documents marked as Exhibits A-C to defendants’ motion for summary judgment,
22 consisting of 22 consecutively-numbered pages. In conjunction with the instant motion,
23 defendants have submitted hard copies of these documents for the court’s in camera review. (See
24 Dkt. No. 76.)

25 Defendants describe these documents as “confidential documents [that] provided
26 information, deemed reliable by prison officials, that Hunt was associating with known members

1 of the Blood disruptive group, and affiliated with that group.” (Dkt. No. 76 at 2.) Defendants
2 assert that these “confidential documents contain information from prison inmates whose safety
3 would be placed in serious jeopardy if their identity was known by Hunt or any other inmates.”
4 (Id.) Defendants seek in camera review of these documents, along with a 75-year sealing order,
5 “in order to prevent their disclosure during the lifetime of the involved prisoners.” (Id.)

6 The court does not seal case documents or exhibits from public view without good
7 cause. Here, defendants represent that the prison inmates who provided the documented
8 information would be in danger if Hunt or any other inmate knew their identity. Having
9 reviewed the documents, the court finds this to be a plausible concern as to Exhibits A and C.
10 Exhibit A is a 2007 general chrono titled “Gang Update” that names and describes several
11 inmates “identified as Sacramento Bloods,” a disruptive group. Exhibit C consists of
12 confidential interviews with inmates dating from 2000, 2005, and 2007, respectively.

13 Exhibit B is a 2007 chrono marked “confidential” and concerns a “large meeting
14 held by known gang members.” However, it does not name or describe any particular inmate and
15 does not cite any information from confidential sources. Rather, it documents Hunt’s claim that
16 he “is a non-affiliated inmate.”

17 In light of defendants’ attestation and given that in camera review is a permissible
18 method of determining the reliability of the information used to classify plaintiff as gang-
19 affiliated, the court will grant defendants’ motion to seal the 20 pages comprising Exhibits A and
20 C. See Zimmerlee v. Keeney, 831 F.2d 183, 186-87 (9th Cir.1987) (“Reliability [of information
21 from an unidentified prison informant] may be established by . . . (4) an in camera review of the
22 documentation from which credibility was assessed.”). It is the practice of this court to maintain
23 case documents under seal for an undetermined time period, until they are ordered unsealed by
24 the court. Accordingly, the court shall partially grant defendants’ motion and direct the Clerk of
25 Court to seal Exhibits A and C until they are ordered unsealed by the court. See Puente-Hudson
26 v. Adams, 2010 WL 1625758 at *2 (E.D. Cal. April 21, 2010) (same).

