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8	UNITED STATES DISTRICT COURT	
9	FOR THE EASTERN DISTRICT OF CALIFORNIA	
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11	REX CHAPPELL,	No. 2:12-cv-00234 MCE AC P
12	Plaintiff,	
13	v.	ORDER AND ORDER TO SHOW CAUSE
14	B. FLEMING, et al.,	
15	Defendants.	
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17	On February 5, 2015, the defendants filed a Notice of Request to Seal Documents in	
18	which they identified three confidential memoranda that they sought to have filed under sealed.	
19	ECF. No. 84-6. Because the request to seal documents did not address whether plaintiff was	
20	provided with redacted copies of the documents, and there was no explanation as to why	
21	measures such as redaction and limited access would be insufficient to address security concerns,	
22	defendants were ordered to serve plaintiff wi	th redacted copies or explain why redaction was
23	insufficient. ECF No. 85. In the event defendants believed production was inappropriate and	
24	their response to the order contained sensitive information, they were permitted to submit their	
25	response ex parte via email. <u>Id.</u> at 2.	
26	On February 13, 2015, defendants provided an ex parte response to the February 5, 2015	
27	order via email. They advised that redacted versions of the sealed exhibits had been prepared, but	
28	expressed concerns over the production of re	dacted versions of Exhibits J and K (confidential
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memoranda dated September 28, 2009, and February 2, 2010, respectively). On February 18,
 2015, defendants filed notice that they have served plaintiff with the Request to File Documents
 Under Seal, proposed order, and a redacted version of Exhibit I (confidential memorandum dated
 May 11, 2009).

5 While defendants' concerns regarding Exhibits J and K are valid, the court believes that 6 these concerns can be addressed by redaction. Although proposed redacted copies of the exhibits 7 have not been provided to the court, defendants' response indicates that they understood the court 8 to contemplate only redaction of inmate names and identification numbers. The court recognizes 9 that such limited redaction may be insufficient to address valid security considerations. However, 10 the directive to redact was not intended to be interpreted so narrowly.

11 Upon review of the record and Exhibits J and K, it appears that the confidential 12 memoranda can be redacted so that they protect sensitive information while documenting the 13 basic facts which have already been disclosed to plaintiff in the defendants' summary-judgment 14 motion and accompanying statement of undisputed facts. Defendants will be ordered to show 15 cause why they should not serve plaintiff with the redacted versions of Exhibits J and K attached to this order as Attachment 1 (under seal).¹ Defendants may discharge the order to show cause by 16 17 filing notice that they have served plaintiff with the redacted exhibits, and by filing a copy of the 18 redacted Exhibits J and K in support of their summary judgment motion. If defendants seek 19 additional redaction or believe that no level of redaction would be sufficient to remove the risk, 20 they shall show cause in writing within ten days. Such a response may be submitted ex parte and 21 via email.

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Accordingly, IT IS HEREBY ORDERED that:

1. The Clerk of the Court is directed to file Attachment 1 to this order under seal. The
Clerk of the Court is further directed to mail a copy of Attachment 1 to counsel for the defendants
only.

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2. Within ten days of the filing of this order, the defendants shall show cause why they

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28 ¹ The sealed exhibit will be provided only to defendants.

1	should not serve plaintiff with the redacted copies of Exhibits J and K (confidential memoranda
2	dated September 28, 2009, and February 2, 2010, respectively) filed here as Attachment 1 (under
3	seal). Defendants may submit their response via email. In the alternative, defendants may
4	discharge the order to show cause by filing notice that they have served plaintiff with the redacted
5	exhibits, and by filing a copy of the redacted Exhibits J and K in support of their summary
6	judgment motion.
7	DATED: February 19, 2015
8	allison claire
9	UNITED STATES MAGISTRATE JUDGE
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