UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

JESUDAS K. CHACKO,

Plaintiff,

v.

CITY OF SACRAMENTO,

Defendant.

No. 2:12-cv-2881-MCE-EFB PS

ORDER

On February 24, 2014, the parties were ordered to inform the court within fourteen days whether they waive disqualification of the undersigned conducting a settlement conference, or whether the settlement conference should be randomly assigned to another magistrate judge, pursuant to Local Rule 270(b). ECF No. 29. On March 10, 2014, defendant timely filed a waiver of disqualification. ECF No. 30. However, plaintiff has failed to respond to the court's order. Plaintiff will therefore be directed to notify the court within ten days from the date of this order whether or not he waives disqualification.

On March 17, 2014, plaintiff submitted to the court a March 9, 2014 communication with defendant. ECF No. 31. Plaintiff requests that the court file the communication under seal. *Id*. The court will construe plaintiff's request as a motion to seal and will deny the motion.

Documents may be sealed only by written order of the court, upon the showing required by applicable law. E.D. Cal. Local Rule 141. Here, plaintiff does not make a showing that his

request should be sealed as required by applicable law. *See Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (a party seeking to seal a judicial record bears the burden of overcoming a strong presumption in favor of access); *Phillips v. General Motors*, 307 F.3d 1206, 1210, 1213 (9th Cir. 2002) (non-dispositive documents and exhibits may be sealed if the party shows "good cause" for limiting access). For this reason, plaintiff's motion to seal will be denied. However, the court is cognizant of plaintiff's desire to keep certain settlement information confidential. Therefore, the Clerk of the Court will be directed to return the documents attached to plaintiff's March 17, 2014 request.

Accordingly, IT IS HEREBY ORDERED that:

1. Within ten days from the date of this order plaintiff shall inform the court whether he waives disqualification of the undersigned conducting a settlement conference, or whether the settlement conference should be randomly assigned to another magistrate judge;

2. Plaintiff's March 17, 2014 motion to seal, ECF No. 31, is denied; and

3. The Clerk of the Court is directed to return the documents attached to plaintiff's March 17, 2014 request to plaintiff.

Dated: March 19, 2014.

EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE