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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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JOANNE BLIGHT,  
Plaintiff,  
  
v.  
  
CITY OF MANTECA, a municipal  
corporation; Manteca Police  
Department Detectives ARMANDO  
GARCIA and IAN OSBORN; and  
Manteca Police Department  
Sergeants PAUL CARMONA and  
CHRIS MRAZ;  
  
Defendants.

CIV. NO. 2:15-2513 WBS AC  
ORDER RE: REQUEST TO SEAL

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Plaintiff Joanne Blight brought this action against  
defendants the City of Manteca, Manteca Police Department  
Detectives Armando Garcia and Ian Osborn, and Manteca Police  
Department Sergeants Paul Carmona and Chris Mraz, alleging that  
defendants violated her Fourth Amendment rights when they engaged  
in a "SWAT style raid" and "search" of her home." (Compl. ¶¶ 19,  
32 (Docket No. 1.) Defendants claim that the search was

1 authorized by a state court warrant issued pursuant to a sworn  
2 affidavit they had submitted to the state court containing  
3 information provided by a confidential informant ("CI"). (See  
4 Answer at 12 (Docket No. 5).) Plaintiff claims that defendants  
5 misrepresented or omitted material aspects of what the CI told  
6 them in their affidavit to the state court. (Feb. 10, 2017 Order  
7 at 2 (Docket No. 55).)

8 The court previously denied defendants' request to seal  
9 several documents involving the CI because the defendants did not  
10 "sufficiently articulate[] why disclosure of the documents and  
11 information at issue will jeopardize the CI's safety." (March 22  
12 Order 4:27-5:1 (Docket No. 68).) Presently before the court is  
13 defendants' request to seal certain information in connection  
14 with defendants' Motion for summary adjudication. (Docket No.  
15 91.)

16 A party seeking to seal a judicial record bears the  
17 burden of overcoming a strong presumption in favor of public  
18 access. Kamakana v. City & County of Honolulu, 447 F.3d 1172,  
19 1178 (9th Cir. 2006). The party must "articulate compelling  
20 reasons supported by specific factual findings that outweigh the  
21 general history of access and the public policies favoring  
22 disclosure, such as the public interest in understanding the  
23 judicial process." Id. at 1178-79 (citation omitted). In ruling  
24 on a motion to seal, the court must balance the competing  
25 interests of the public and the party seeking to keep records  
26 secret. Id. at 1179.

27 Defendants seek to seal five discrete pieces of  
28 information: (1) the name of the incident-related CI; (2) the

1 phone number and address of the CI; (3) any prior interaction  
2 between the CI and law enforcement; (4) and prior criminal  
3 history of the CI and any sentencing; and (5) the CI's visits to  
4 the incident-related property. (Notice 1:27-2:3.) According to  
5 defendants, public disclosure of such information is necessary  
6 because the safety of the CI and the CI's family is in jeopardy  
7 if identifying information or related information is release and  
8 disclosure would reduce the ability to use the active CI in  
9 future matters.

10           The court agrees that there is a safety concern with  
11 disclosing the personal information of a confidential informant.  
12 See, e.g., Mitchell v. Cate, Civ. No. 2:11-1240 JAM AC P, 2014 WL  
13 1671589, at \*3 (E.D. Cal. Apr. 28, 2014) (granting request to  
14 seal "information [that] cannot be revealed without endangering  
15 informants"); United States v. Conner, No. 15-CR-00296 HSG 1,  
16 2015 WL 8482205, at \*4 (N.D. Cal. Dec. 10, 2015) (granting  
17 request to seal information "contain[ing] the possible identity  
18 of a confidential informant"); cf. United States v. Business of  
19 Custer Battlefield Museum, 658 F.3d 1188, 1195 n.5 (9th Cir.  
20 2011) ("With respect to warrant materials, courts have recognized  
21 several concerns that may call for redaction of materials or  
22 withholding of disclosure outright. These concerns include . . .  
23 the need to protect the identities and safety of confidential  
24 informants."). Unlike defendants' previous request to seal,  
25 defendants' current request is narrowly focused on specific  
26 information with an explanation for why such information should  
27 be sealed.

28           Defendants limit the sealed information to two


1 categories: (1) the CI's personally identifying information  
2 (name, address, and phone number); and (2) information that could  
3 lead to the CI's identity by working backwards (prior  
4 interactions with law enforcement, prior criminal history, and  
5 date CI last visited the incident-related property). The court  
6 is satisfied that the personally identifying information  
7 implicates the safety of the CI and thus satisfies the  
8 "compelling reasons" standard. The second category of  
9 information also implicates the CI's safety because an individual  
10 could take this information, work backwards, and potentially make  
11 a reasonable guess of the CI's identification if the individual  
12 had the CI's prior criminal history and sentencing, the CI's  
13 prior interactions with law enforcement, and the date the CI last  
14 visited the incident-related property. For example, knowing the  
15 last date the CI visited the incident-related property may allow  
16 individuals with knowledge of the incident, including plaintiff,  
17 to determine the identity of the CI.

18           Having reviewed defendants' request to seal, the court  
19 finds that compelling reasons exist to seal the requested  
20 information. While the public has an interest in disclosure and  
21 access, the court finds that the public policies favoring  
22 disclosure do not outweigh the interests in ensuring the safety  
23 of a CI by sealing information that does not appear to be  
24 dispositive to the case. Accordingly, the court will grant  
25 defendants' request to seal.

26           IT IS THEREFORE ORDERED that defendants' request to  
27 seal certain information for their summary adjudication motion  
28 (Docket No. 91) be, and the same hereby is, GRANTED.

1 Defendants are permitted to submit the requested  
2 information under seal. The information may be accessed only by  
3 the court, defendants, defense counsel, and plaintiff's counsel.

4 Dated: June 28, 2017

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6 WILLIAM B. SHUBB  
7 UNITED STATES DISTRICT JUDGE

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