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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER NATHANIEL  
WASHINGTON,  
  
Plaintiff,  
  
v.  
  
YOUNG, et al.,  
  
Defendants.

No. 2:16-cv-1341 JAM DB P

ORDER

Plaintiff is a state prisoner proceeding pro se and in forma pauperis with an action pursuant to 42 U.S.C. § 1983. Defendants filed a request to seal (ECF No. 51), plaintiff filed an opposition to the request (ECF No. 54), and defendants filed a motion to remove plaintiff’s opposition from the docket (ECF No. 55). For the reasons set forth below the court will grant defendants’ request to seal and deny the motion to remove plaintiff’s opposition from the docket.

**I. Request to Seal**

Defendants moved to seal a portion of plaintiff’s motion containing a declaration purportedly written and signed by a third party witness, inmate Grissom. (ECF No. 51.) The court previously granted defendants’ request to seal a portion of plaintiff’s complaint containing a different declaration purportedly written and signed by Grissom. (See ECF No. 53.) The same reasoning applies to this request as applied to defendants’ prior request because the documents are

1 substantially similar. In an abundance of caution and in deference to defendants' assertions that  
2 maintaining the declaration on the docket could jeopardize the safety and security of inmates as  
3 well as staff, the court will grant defendants' request to seal. As stated previously, in granting the  
4 request to seal the court makes no ruling on the authenticity of the declaration.

5 **II. Request to Remove Opposition from the Docket**


6 Defendants requested that the court remove plaintiff's filing, captioned "Notice of Motion and  
7 Motion of Plaintiff's objection to seal Declaration at ECF No. 47 p. 3" (ECF No. 54), from the  
8 docket. (ECF No. 55.) The court construes plaintiff's objections as a request to file an opposition  
9 to defendants' request to seal and grants the request nunc pro tunc. Defendants argue plaintiff's  
10 opposition should be removed pursuant to Local Rule 141(c).

11 However, Local Rule 141(c) is not applicable in this instance because the document  
12 defendants request to seal has already been filed and the filing of plaintiff's opposition did not  
13 reveal any information that had not previously been available to the public. Further, plaintiff's  
14 arguments in the opposition are the same as the underlying claim in this action. Defendants cite  
15 no other authority in support of their request to remove plaintiff's opposition from the docket.  
16 Accordingly, the court will deny the request to remove plaintiff's opposition from the docket.

17 Based on the foregoing, IT IS HEREBY ORDERED that:

- 18 1. Defendants' request to seal (ECF No. 51) is granted;  
19 2. The Clerk of the Court shall seal the portion of plaintiff's motion containing Grissom's  
20 declaration (ECF No. 47 at 3); and  
21 3. Defendants' request to remove plaintiff's opposition from the docket (ECF No. 55) is  
22 denied.

23 Dated: June 6, 2018

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27 DEBORAH BARNES  
28 UNITED STATES MAGISTRATE JUDGE