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

CARLOS CASTRO,

Plaintiff,

No. C 98-04877 WHA

v.

CAL TERHUNE, DIRECTOR, CALIFORNIA  
DEPARTMENT OF CORRECTIONS, BONNIE G.  
GARIBAY, J. BATCHELOR, S.C. WOLHWEND,  
A. SCRIBNER, J. STOKES, M. YARBOROUGH,  
L. HOOD, C. CAMPBELL, A.M. GONZALEZ, M.  
AYALA, E. DERUSHA, C/O ROBERT L. AYERS,  
WARDEN, J. MARTINEZ,

Defendants.

**ORDER DENYING  
DEFENDANTS'  
ADMINISTRATIVE  
REQUEST TO FILE  
UNDER SEAL**

Defendants filed a motion for summary judgment, which remains pending. When they did so, they filed an accompanying administrative request to file exhibit H to the declaration of Kenneth T. Roost and a portion of the memorandum of points and authorities in support of the summary judgment motion under seal (Dkt. No. 314). This request seeks leave to file five confidential memoranda and a portion of defendants' brief referencing the memoranda under seal because "the parties have agreed [they] are subject to the protective order."

This Court's order approving the stipulated protective order states that no request for a sealing order will be allowed on summary judgment motions "unless the movant first shows a 'compelling reason,' a substantially higher standard than 'good cause'" (Dkt. No. 111).

Defendants' request is **DENIED**. Defendants have not provided a compelling reason to seal these

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documents. Defendants are given leave, however, to refile their request — given the sensitive nature of the subject matter of this case — but must do so by **NOON ON AUGUST 30, 2010.**

**IT IS SO ORDERED.**

Dated: August 23, 2010.



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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE