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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 UNITED STATES,

No. CR 07-00732 SI

9 Plaintiff,

**ORDER RE: SEALING OF DOCUMENTS  
IN SUPPORT OF DEFENDANT'S  
MOTION *IN LIMINE***

10 v.

11 BARRY LAMAR BONDS,

12 Defendant.  
13 \_\_\_\_\_/

14 Defendant's motions to exclude evidence are calendared for hearing on February 5, 2009.  
15 Defendant moved to file under seal exhibits A, B, and C in support of the first motion. The government  
16 opposed defendant's motion to seal. This Court granted the motion to seal pending further discussion  
17 of the matter at the February 5 hearing. On January 30, 2009, the Court received a letter from press  
18 representatives requesting that the sealing order be lifted and documents be placed on the public docket  
19 immediately.

20 Having reviewed the issues raised in the recent correspondence, the Court agrees with the press  
21 representatives that defendant has not demonstrated that release of these documents would impair his  
22 Sixth Amendment right to a fair trial and is inclined to agree that defendant will not be able to make this  
23 showing. *See, e.g., Associated Press v. U.S. Dist. Court for the Cent. Dist. of Cal.*, 705 F.2d 1143, 1146  
24 (9th Cir. 1983) (concerns over pretrial publicity may warrant sealing of court filings if defendant can  
25 establish a substantial probability of irreparable damage to a defendant's fair-trial right, that alternatives  
26 to sealing will not protect that right, and that sealing will be an effective means of protecting against the  
27 perceived harm) (internal citation omitted). Accordingly, the Court will order the documents unsealed  
28 on the morning of February 4th unless defendant files a brief before that time demonstrating that the

1 factors laid out in *Associated Press v. U.S. Dist. Court for the Cent. Dist. of Cal.* have been met.

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3 **IT IS SO ORDERED.**

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5 Dated: February 2, 2009

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SUSAN ILLSTON  
United States District Judge