

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
EUREKA DIVISION

TODD ASHKER, et al.,

Plaintiffs,

v.

MATHEW CATE, et al.,

Defendants.

Case No. 09-cv-05796-CW (RMI)

**ORDER ON PLAINTIFFS' MOTION
TO LIFT REDACTIONS**

Re: Dkt. No. 1254

Now pending before the court is Plaintiffs' Motion (dkt. 1252-4 *SEALED*) through which they seek the lifting of redactions from certain confidential memoranda produced by Defendants as part of their quarterly document production in December of 2019. *Id.* at 3. Defendants have responded in opposition (dkt. 1255-3 *SEALED*) and have provided un-redacted versions of the contested memoranda to the court for *in camera* review. The memoranda pertain to certain prisoner disciplinary findings; and, as to the first matter, Plaintiffs submit that “[g]iven the highly suspicious nature of the confidential information relied upon . . . it is essential that Plaintiffs be able to determine whether the two confidential sources do, in fact, corroborate each other, and whether any exculpatory confidential evidence exists that was not disclosed.” *See* Pls.’ Mot. (dkt. 1252-4 *SEALED*) at 5. Having reviewed the contested materials, the court finds that the two confidential sources do in fact corroborate each other, and that the redacted portions do not contain any exculpatory information, rendering Plaintiffs’ concerns unfounded and the lifting of redactions unnecessary.

As to the second disciplinary matter, Plaintiffs seek un-redacted confidential memoranda in the disciplinary case of another prisoner, and suggest that by piecing together the un-redacted

1 portions of certain confidential memoranda, it appears to Plaintiffs that the disciplinary matter was
2 based on fabricated evidence and that without lifting of the redactions, “Plaintiffs cannot identify
3 the full scope of the due process violation.” *Id.* at 6. Defendants have responded to the effect that
4 lifting the challenged redactions could not be effected without divulging source information which
5 would endanger institutional security. *See id.* Likewise, having reviewed the un-redacted versions
6 of the contested materials *in camera*, the court finds that none of Plaintiffs’ concerns are founded
7 as neither is there any indication of any fabricated evidence and a due process violation, nor does
8 there appear to be any other reason for lifting the redactions. In fact, it appears to the court that
9 Defendants’ concerns about divulging of source information and the risks to institutional security
10 are well founded.

11 Accordingly, Plaintiffs’ Motion (dkt. 1254) is **DENIED**.

12 **IT IS SO ORDERED.**

13 Dated: May 5, 2020



14
15
16 ROBERT M. ILLMAN
United States Magistrate Judge

17
18
19
20
21
22
23
24
25
26
27
28