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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

Robert Lee Griffin,

NO. C 98-21038 JW

Petitioner,

**ORDER GRANTING IN PART  
RESPONDENTS' SUPPLEMENTAL  
REQUEST TO SEAL DOCUMENTS**

v.

James Gomez, et al.,

Respondents.  

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Presently before the Court is Respondents' Supplemental Request to File Conditional Document Under Seal for in Camera Review. (hereafter, "Motion," Docket Item No. 211.) Petitioner has filed an Opposition. (hereafter, "Opp'n," Docket Item No. 214.)

Respondent moves to file under seal three confidential memoranda submitted in support of its Motion to Set Aside Judgment<sup>1</sup> "in order to protect the identity of the correspondents, to protect information about other inmates that may be included in these documents, and to protect the investigative resources and methods used by officials in the California Department of Corrections and Rehabilitation to obtain this confidential information." (Motion at 2.) Respondent also moves to have the Court review the memoranda *in camera* and to not permit Petitioner's counsel to review the memoranda. (*Id.*) Petitioner contends that it would be unfair to deny his counsel an opportunity to respond to the substance of the memoranda and that identity of correspondents and methods of investigation are obvious in any event. (Opp'n at 1-2.)

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<sup>1</sup> (See Docket Item No. 195.) On June 9, 2010, the Court denied Respondents' Motion to Set Aside Judgment. (See Docket Item No. 212.)

1 Pursuant to Civil Local Rule 79-5, no document may be filed under seal unless it is  
2 privileged, protectable as a trade secret, or otherwise entitled to protection under the law. Courts in  
3 this district have found confidential memoranda sealable where public disclosure would put  
4 individuals, including other prisoners, at risk of harm. See Renteria v. Gomez, No. C 98-3721 MJJ  
5 PR, 1999 WL 1051948, at \*1 (N.D. Cal. Nov. 9, 1999); Cato v. Cambra, No. C-96-0007 EFL, 1996  
6 WL 478638, at \*3 n.4 (N.D. Cal. Aug. 19, 1996).

7 Here, the three memoranda allegedly provide evidence of Petitioner's continued active status  
8 as a member of the Aryan Brotherhood prison gang. (See Motion, Ex. W, filed under seal.) Upon  
9 review, the Court finds good cause to seal the documents to alleviate any risk of harm to individuals  
10 named in the documents. However, the Court does not find good cause to preclude Petitioner's  
11 counsel from reviewing the documents.

12 Accordingly, the Court GRANTS Respondents' Motion to file the documents under seal, but  
13 DENIES Respondents' Motion to the extent it seeks to prevent Petitioner's counsel from reviewing  
14 the documents. Respondents shall immediately serve a copy of the sealed documents on Petitioner's  
15 counsel.

16 Dated: July 19, 2010

  
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JAMES WARE  
United States District Judge

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1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Jennifer Anne Neill jennifer.neill@doj.ca.gov  
3 Pamela B. Hooley Pamela.hooley@doj.ca.gov  
4 Pamela Jo Griffin pjdgriffin@gmail.com

5 **Dated: July 19, 2010**

**Richard W. Wieking, Clerk**

6 **By:           /s/ JW Chambers**  
7 **Elizabeth Garcia**  
8 **Courtroom Deputy**

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