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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

UNITED STATES OF AMERICA,
Plaintiff,
v.
ADIL HIRAMANЕК,
Defendant.

Case No. [17-cv-03392-BLF](#)

**ORDER DENYING RESPONDENT’S
MOTIONS TO SEAL DOCUMENTS,
WITHOUT PREJUDICE**

[Re: ECF 26, 28]

Before the Court is Respondent Adil Hirananeк (“Respondent”)’s motions to file under seal various documents in this case. Respondent has filed two motions: (1) “Respondent’s Rule 5.2, Civil L.R. 7-11, 79-5, Administrative Motion to Seal Documents,” ECF 26, and (2) “Ex Parte Emergency, Expedited & Supplemental Administrative Motion To Seal Certain Documents With An Order That Petitioner Shall File Respondent & Third Parties Private Information Under Seal,” ECF 28. For the reasons discussed below, the Court DENIES Respondent’s motions without prejudice.

I. LEGAL STANDARD

There is a “strong presumption in favor of access” to judicial records. *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). A party seeking to seal judicial records bears the burden of overcoming this presumption by articulating “compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure.” *Id.* at 1178-79. Compelling reasons for sealing court files generally exist when such “court files might have become a vehicle for improper purposes,” such as the use of records to gratify private spite, promote public scandal, circulate libelous statements, or release trade

1 secrets.” *Id.* (quoting *Nixon v. Warner Commc ’ns, Inc.*, 435 U.S. 589, 598 (1978)). However,
2 “[t]he mere fact that the production of records may lead to a litigant’s embarrassment,
3 incrimination, or exposure to further litigation will not, without more, compel the court to seal its
4 records.” *Kamakana*, 447 F.3d at 1179. Ultimately, “[w]hat constitutes a ‘compelling reason’ is
5 ‘best left to the sound discretion of the trial court.’” *Ctr. for Auto Safety v. Chrysler Grp., LLC*,
6 809 F.3d 1092, 1097 (9th Cir. 2016).

7 “Despite this strong preference for public access, [the Ninth Circuit has] carved out an
8 exception,” *id.* at 1097, for judicial records attached to motions that are “tangentially related to the
9 merits of a case,” *id.* at 1101. Parties moving to seal such records need only make a
10 “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure
11 26(c). *Kamakana*, 447 F.3d at 1180 (quoting *Foltz*, 331 F.3d at 1138).

12 In this District, parties seeking to seal judicial records must furthermore follow Civil Local
13 Rule 79-5, which requires, *inter alia*, that a sealing request be “*narrowly tailored* to seek sealing
14 *only* of sealable material.” Civil L.R. 79-5(b) (emphasis added).

15 **III. DISCUSSION**

16 The Court has reviewed Respondent’s sealing motions and declarations in support thereof.
17 Respondent requests that the Court seal this entire case and its related case *United States v.*
18 *Hiramanek*, 5:17-cv-03389 (N.D. Cal. filed June 12, 2017). ECF 26. Respondent does not argue
19 or establish compelling reasons for the Court to seal these cases entirely. In the alternative,
20 Respondent requests that the Court seal documents listed “under ¶2” of his administrative motion
21 to seal documents. *Id.* The documents Respondent seeks to seal include the underlying petition
22 (ECF 1), certificate of service (ECF 16), the order to show cause (ECF 21), and Respondent’s
23 motion to dismiss, inclusive of all declarations and exhibits (ECF 23). ECF 26. Respondent also
24 requests to seal Petitioner’s opposition to the motion to dismiss (ECF 27). ECF 28. These
25 documents are related to the merits of the case, and must be resolved under the compelling reasons
26 standard. *Ctr. for Auto Safety*, 809 F.3d at 1101-2 (holding that “public access will turn on
27 whether the motion is more than tangentially related to the merits of a case”).

28 Respondent’s requests are not narrowly tailored to sealable material. Although

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Respondent lists the “kind of information contained in the questioned document(s)” and summarizes the documents into “*high level categories*” that may constitute compelling reasons to seal, he does not tailor his requests to sealable information but rather requests the Court to seal all information, including legal arguments, contained in the identified documents. ECF 26.

Respondent’s request is overbroad and does not satisfy the compelling reasons standard or comply with Civil Local Rule 79-5(b). Respondent’s sealing motions are DENIED WITHOUT PREJUDICE. No later than 7 days from the filing of this order, Respondent may renew his motion so as to more narrowly tailor his request to seal. If Respondent does not renew his motion, he must file the unredacted documents into the public record. Alternatively, Respondent may withdraw the documents he filed in this case.

Moreover, there is no authority for Respondent’s request that the Court seal “Petitioner’s future filings that contain any private information of the kind listed under section ¶1.” ECF 28. Such a request is premature. If Petitioner files sealable information in this case, Respondent may file a narrowly tailored motion to seal such information.

IT IS SO ORDERED.

Dated: July 26, 2017


BETH LABSON FREEMAN
United States District Judge