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6 UNITED STATES DISTRICT COURT  
7 SOUTHERN DISTRICT OF CALIFORNIA  
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9 DARYL M. MAGDZIAK,

10 Plaintiff,

11 v.

12 NANCY A. BERRYHILL, Acting  
13 Commissioner of Social Security,

14 Defendant.

Case No.: 3:17-cv-01367-JAH-RNB

**ORDER DENYING MOTION TO  
SEAL (ECF No. 35)**

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16 Pending before the Court is Plaintiff Daryl M. Magdziak’s (“Plaintiff”) Motion to  
17 Seal. (ECF No. 35, “Mot.”). Therein, Plaintiff requests this Court issue an order sealing  
18 “sensitive information . . . [that] inva[des his] privacy” from this matter, although Plaintiff  
19 does not identify what information he considers to be sensitive.

20 In the United States, “courts have recognized a ‘general right to inspect and copy  
21 public records and documents, including judicial records and documents.’ ” *Kamakana v.*  
22 *City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner*  
23 *Commc'ns, Inc.*, 435 U.S. 589, 597 & n. 7 (1978)). To overcome the strong presumption  
24 in favor of public access to court records, a party seeking to maintain a judicial record  
25 under seal has the burden to show “compelling reasons supported by specific factual  
26 findings” that justify sealing the records. *Pintos v. Pac. Creditors Ass'n*, 605 F.3d 665, 678  
27 (9th Cir. 2009); *Kamakana*, 447 F.3d at 1178. Additionally, the party must show that  
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1 compelling reasons “outweigh the general history of access and the public policies favoring  
2 disclosure.” *Pintos*, 605 F.3d at 678. The Ninth Circuit notes:

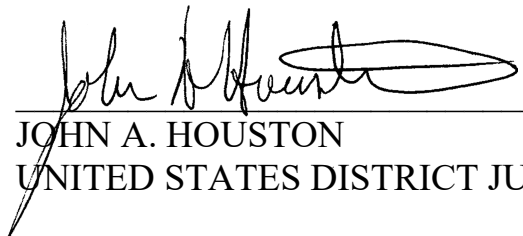
3 “[C]ompelling reasons” sufficient to outweigh the public's interest in  
4 disclosure and justify sealing court records exist when such court files might  
5 have become a vehicle for improper purposes, such as the use of records to  
6 gratify private spite, promote public scandal, circulate libelous statements, or  
7 release trade secrets. The mere fact that the production of records may lead to  
8 a litigant's embarrassment, incrimination, or exposure to further litigation will  
9 not, without more, compel the court to seal its records.

10 *Kamakana*, 447 F.3d at 1179 (internal quotations and citations omitted).

11 Here, Plaintiff has not met his burden to show compelling reasons that outweigh the  
12 public policy favoring disclosure of court records for an order to seal the record in this  
13 matter. Plaintiff's assertion that the published information reveals sensitive information  
14 constituting an invasion of his privacy, alone, is an insufficient basis to grant his request.  
15 Accordingly, the motion to seal is **DENIED**.

16 **IT IS SO ORDERED.**

17 DATED: November 12, 2021

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20 JOHN A. HOUSTON  
21 UNITED STATES DISTRICT JUDGE  
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