

FILED
UNITED STATES DISTRICT COURT
DENVER, COLORADO

JUN 29 2011

GREGORY C. LANGHAM
CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-01459-BNB

LORAL HUFFMAN,

Plaintiff,

v.

"BUREAU OF PRISONS UNNAMED AGENTS,"
DIRECTOR HARVEY LAPPIN,

Defendants,

ORDER DENYING MOTION FOR RECONSIDERATION

Plaintiff, Loral Huffman, is a prisoner in the custody of the Federal Bureau of Prisons (BOP) who currently is incarcerated at the United States Penitentiary in Florence, Colorado. He submitted *pro se* a Complaint pursuant to 28 U.S.C. § 1331 and *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971), asserting violations of his constitutional rights.

On June 3, 2011, Mr. Huffman filed a Motion to Seal (Doc. No. 3) asking the Court to seal his "Pro Se Motion [for] Temporary Restraining Order, Motion to Seal, [and] Motion for Legal Mail." I denied the Motion to Seal, finding that the motion was deficient because it failed to meet the minimum requirements discussed in D.C.COLO.LCivR 7.2C. *See* June 6, 2011 Order.

On June 15, 2011, Mr. Huffman filed a "Motion to Seal - Reconsideration" (Doc. No. 10), which I construe liberally as a request to reconsider my June 6 Order denying the Motion to Seal (Doc. No. 3). Plaintiff argues in the motion for reconsideration that

all documents referencing his cooperation with the government must be sealed because during the past twelve months, three attempts have been made on his life by federal inmates who have located him on the LexisNexis website. The Bureau of Prisons filed a response to the motion on June 28, 2011.

I held a telephonic hearing on the motion for reconsideration on June 29, 2011, and made findings on the record. Among other things, I found that Mr. Huffman is currently in a single cell; the information contained in the materials Mr. Huffman seeks to have sealed is generally known and sealing the file will do little or nothing to protect him from future attacks; and Mr. Huffman does not currently believe that he is any danger based on the fact that this case file is not sealed. Consequently, Mr. Huffman has failed to articulate a clearly defined and serious injury that will result if this case is not sealed in whole or in part. **See** D.C.COLO.LCivR 7.2C. The presumption of public access to court files and proceedings warrants against the relief sought. *Id.*

IT IS ORDERED:

- (1) The "Motion to Seal - Reconsideration" (Doc No. 10) is DENIED; and
- (2) The Clerk of the Court is directed to unseal the document titled "Motion to Seal - Reconsideration" (Doc No. 10) pursuant to Rule 5.2 of the Federal Rules of Civil Procedure.

DATED June 29, 2011, at Denver, Colorado.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

CERTIFICATE OF MAILING

Civil Action No. 11-cv-01459-BNB

Loral Huffman
Reg. No. 12723-018
USP - Florence
PO Box 7000
Florence, CO 81226

I hereby certify that I have mailed a copy of the **ORDER** to the above-named individuals on June 29, 2011.

GREGORY C. LANGHAM, CLERK

By: _____



Deputy Clerk