

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

MARCUS D. HILL (#310825)

VERSUS

CIVIL ACTION

TYRONE KILBOURNE, ET AL

NUMBER 11-778-FJP-SCR

RULING ON MOTION TO FILE DOCUMENTS UNDER SEAL

Before the court is defendant Tyrone Kilbourne's Motion to Submit Documents Under Seal for In Camera Inspection. Record document number 23.

Defendant seeks to file under seal three photographs which he relied upon to support his Defendant's Motion for Summary Judgment.¹ These photographs are referred to in the defendants' supporting memorandum as Exhibits 10, 11 and 12. Exhibit 10 shows the major's office with the door open and the adjacent hallways; Exhibit 11 shows the exit door leading to the yard; Exhibit 12 shows the area in the yard where the confrontation with the plaintiff occurred.² The apparent purpose of Exhibit 10 is to show the view from the major's office, i.e. what areas a person could see from inside the office.³ The purpose of Exhibit 11 is unclear.⁴

¹ Record document number 22.

² Record document number 22-2, p. 3.

³ *Id.* at 15, 16.

⁴ *Id.*

Likewise, the purpose of Exhibit 12 is unclear.⁵ None of these exhibits materially assist the court in understanding the defendant's arguments or deciding the defendant's motion, especially Exhibits 11 and 12. There is no apparent reason for any of them to be filed at all, much less under seal.

Insofar as the defendant is concerned about these photographs being misused by the plaintiff or other inmates, his concern seems overstated. The areas depicted are visible to anyone in these areas, including the plaintiff and other inmates.

Accordingly, the defendant's Motion to Submit Documents Under Seal for In Camera Inspection is denied. However the exhibits shall remain under seal until the time for the defendant to appeal this ruling to the district judge has expired. If this ruling is not timely appealed to the district judge, the exhibits will be unsealed and the defendant will be required to provide copies of them to the plaintiff. Alternatively, the defendant may move to withdraw the exhibits.

Baton Rouge, Louisiana, June 4, 2012.


STEPHEN C. RIEDLINGER
UNITED STATES MAGISTRATE JUDGE

⁵ *Id.* at 15.