

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION**

DAVID CILLA : **CIVIL ACTION NO. 2:17-cv-0024**
B.O.P. #00880-104 : **SECTION P**

VERSUS : **JUDGE TRIMBLE**

CALVIN JOHNSON : **MAGISTRATE JUDGE KAY**

MEMORANDUM ORDER

Before the court is the plaintiff's "Motion to Recharacterize Title of Case" [doc. 4] in which he actually seeks to have the matter redacted so has to conceal his identity. The petitioner is an inmate in the custody of the Federal Bureau of Prisons. He is currently incarcerated at the United States Penitentiary at Coleman, Florida. He has filed a petition for writ of *habeas corpus* pursuant to 28 U.S.C. § 2241, complaining of good time credit lost in disciplinary proceedings. Doc. 1. He alleges that his good time credits were revoked when he refused to join the general population of the prison because he believed other inmates had access to his court records and learned thereby that he had received a plea deal based on his cooperation with the government. Doc. 1, att. 1. He now seeks to have his identity concealed in these proceedings. Doc. 4.

The common law recognizes a general public right to inspect and copy judicial records. *S.E.C. v. Van Waeyenberghe*, 990 F.2d 845, 848 (5th Cir. 1993). That right is implemented through "a strong presumption in favor of . . . public access to court proceedings." *In re Violation of Rule 28(D)*, 635 F.3d 1352, 1356 (5th Cir. 2011). However, the right is not absolute and may be denied to ensure that the records are not used for improper purposes. *Nixon v. Warner Communications, Inc.*, 98 S.Ct. 1306, 1312 (1978). It is thus left to the district court's discretion, based on the facts

of the case, to determine when the right of access should be curbed. *Van Waeyenberghe*, 990 F.2d at 848. The court should exercise caution in using this authority. *United States v. Holy Land Foundation for Relief and Development*, 624 F.3d 685, 689–90 (5th Cir. 2010) (citing *Fed. Sav. & Loan Ins. Corp. v. Blain*, 808 F.2d 395, 399 (5th Cir. 1987)).

In light of these concerns and the security issues outlined by the petitioner in his pleadings and motion, we determine that the competing interests are satisfied by redacting this matter to conceal the petitioner’s name but otherwise leaving the matter open to the public. However, this court cannot undo any harm that may have already been caused by the plaintiff’s decision to make admissions in an unsealed pleading that he now claims jeopardizes his safety. Nevertheless it is

ORDERED that the petitioner’s initials, “D.P.C.,” be substituted for his name in the caption for this matter and in all future filings completed by the court or by either party. It is further **ORDERED** that the petitioner file a redacted copy of his original petition, memorandum, and exhibits, substituting his initials for his full name wherever it may appear but making no other substitutions, within the next **30 days**. Once this redacted pleading is received and found to be in compliance with our order, the original pleading will be placed under seal.

The petitioner is cautioned that if he fails to comply with this order in a timely manner, his suit is subject to dismissal without prejudice under Rule 41(b) of the Federal Rules of Civil Procedure and this court’s inherent authority for failure to comply with a court order. *See Link v. Wabash R.R.Co.*, 82 S.Ct. 1386, 1388–89, 8 L.Ed.2d 734 (1962)

THUS DONE this 4th day of April, 2017.



KATHLEEN KAY
UNITED STATES MAGISTRATE JUDGE