

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION

KERRY CORNELIUS STANFIELD,

Petitioner,

vs.

MARTIN FRINK; ATTORNEY
GENERAL OF THE STATE OF
MONTANA,

Respondents.

Cause No. CV 12-45-BU-DLC-CSO

ORDER GRANTING IN PART LEAVE TO
FILE UNDER SEAL

Petitioner Stanfield moves to file two exhibits under seal. The exhibits consist of mental health assessments performed upon Stanfield's arrival at Montana State Prison.

Although Stanfield's motion is unopposed, he does not attempt to carry his burden of showing a compelling reason for sealing the exhibits. *See Kamakana v. City and County of Honolulu, 447 F.3d 1172, 1178-80 (9th Cir. 2006)*. Stanfield is a petitioner in a civil proceeding who has put his mental state at issue. He has submitted the exhibits in response to an Order to Show Cause. If he does not succeed in showing cause, his petition may be dismissed. Consequently, the appropriate standard for sealing the exhibits is the "compelling reason" standard. *Id.*

Under Fed. R. Civ. P. 5.2(e)(2), however, remote public access to a

document may be prohibited where there is “good cause.” The exhibits are of a sensitive and personal nature, similar to exhibits typically filed in connection with social security or immigration cases. *Cf.* Fed. R. Civ. P. 5.2(c). There is good cause to limit electronic access to the exhibits to the parties and to persons who are at the courthouse.

Because the exhibits will not be sealed from all public access, Stanfield may choose to file another version of the exhibits redacting information that is not pertinent to his mental state. If he does so, the electronic record available to public access at the courthouse will be limited to the redacted version of the exhibits.

Based on the foregoing, the Court enters the following:

ORDER

1. Petitioner Stanfield’s motion (*ECF 29*) is GRANTED in part and DENIED in part. The Clerk of Court shall limit electronic access to Exhibits 501 and 502 (*ECF 30*) to the parties and to persons at the courthouse.

2. Stanfield may file a redacted version of the exhibits within **three (3) working days** of the date of this Order. If he does so, the version available to public view at the courthouse will be the redacted version.

DATED this 13th day of November, 2013.

/s/ Carolyn S. Ostby
United States Magistrate Judge