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## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA HELENA DIVISION

MICHAEL WINNE,

CV-15-00044-H-DLC-JTJ

Plaintiff,

VS.

**ORDER** 

CORRECTIONAL OFFICER JOSH KNIGHT, SERGEANT WEBER, and CANDICE NEUBAUER.

Defendants.

Pending are Defendants' Motion for Leave to File Documents Under Seal. (Doc. 39), Errata and Motion for Substitution (Doc. 40) and Second Errata and Motion for Substitution (Doc. 43). Defendants previously filed copies of Plaintiff Michael Winne's Initial Classification Summary (ICS) which contained the name of minors listed in a description of Mr. Winne's criminal case. (Doc. 18-4 at 4; 30-3 at 4.) They move to substitute redacted versions of these documents to remove the names of the minors. Mr. Winne opposes Defendants' motions arguing that some of the criminal allegations contained in the narrative were dismissed and some statements contained therein were illegally taken. (Doc. 41.)

The actual description of Mr. Winne's criminal case in his classification

summary has no bearing on this case and the Court makes no determination

regarding the correctness of that description. But, Rule 5.2(a)(3) of the Federal

Rules of Civil Procedure requires that the names of minors be redacted and only

their initial be included. Mr. Winne can dispute the facts contained in the exhibits

in other proceedings but in this case and in this record the names of the minors

must be redacted.

Accordingly, IT IS HEREBY ORDERED that Defendants' Motion for

Leave to File Documents under Seal (Doc. 39) and Motions for Substitution (Docs.

40, 43) are **GRANTED**.

The Clerk of Court is directed to seal Documents 18-4 and 30-3. Further,

the Clerk of Court is directed to file a copy of Document 40-1 as an attachment to

Document 18 and a copy of Document 43-1 as an attachment to Document 30.

DATED this 7th day of October 2016.

/s/ John Johnston

John Johnston

United States Magistrate Judge

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