

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

KEVIN JAMES LISLE,

Petitioner,

v.

WILLIAM GITTERE, et al.,

Respondents.

Case No. 2:03-cv-1006-MMD-CWH

ORDER

In this capital habeas corpus action, Petitioner Kevin James Lisle has filed, pro se, a motion to waive further proceedings and voluntarily dismiss this action. (ECF No. 359.) An evidentiary hearing regarding that motion is scheduled to commence on October 22, 2020. (ECF Nos. 402, 407.)

On September 22, 2020, Respondents and the Federal Public Defender (“FPD”) filed prehearing briefs (ECF Nos. 414, 418, 419, 420) and preliminary exhibit and witness lists (ECF Nos. 416, 421, 422).

In addition, on September 22, 2020, the FPD filed a Motion for Leave to File Under Seal requesting leave of court to file, under seal, their unredacted prehearing brief and Exhibits 46, 85, and 86. (ECF No. 415.) There is a strong presumption in favor of public access to judicial filings and documents. See *Nixon v. Warner Communication, Inc.*, 435 U.S. 589, 597 (1978); see also *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). However, a federal court has inherent power over its own records and files, and access may be denied where the court determines that the documents may be used for “improper purposes.” See *Nixon*, 435 U.S. at 598; see also *Kamakana*, 447

1 F.3d at 1179. The Court finds that there is good cause for the FPD's prehearing brief and
2 Exhibits 46, 85, and 86 to be filed under seal, as those documents contain information
3 regarding Lisle's mental health.

4 It is therefore ordered that the FPD's Motion for Leave to File Under Seal (ECF No.
5 415) is granted. As the subject documents have already been filed under seal (ECF Nos.
6 418, 419), no further action is necessary in this regard.

7 DATED THIS 23rd Day of September 2020.

8 

9
10

MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28