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UNITED STATES DISTRICT COURT DISTRICT OF NEVADA

JERMAINE ROBINSON,)) 3:08-cv-00389-HDM-VPC	
v.	Plaintiff,)))	MINUTES OF THE COURT	
JAMES BACA, et al.)	August 23, 2010	
	Defendants.)		
PRESENT:	THE HONC	PABLE VALERIE P.	. COOKE, U.S. MAGISTRATE JUDGE	
DEPUTY CL	ERK:	LISA MANN	REPORTER: NONE APPEARING	
COUNSEL F	OR PLAINTI	FF(S): <u>NONE APPEA</u>	RING	
COUNSEL F	OR DEFEND	ANT(S): <u>NONE APP</u>	EARING	

MINUTE ORDER IN CHAMBERS:

Plaintiff has submitted a "motion to review and respond to defendants' confidential documents filed under seal in support of the motion for summary judgment" (#55). Defendants have opposed (#56). Plaintiff maintains that he has been unable to view documents which defendants submitted under seal as accompanying exhibits to their motion for summary judgment.

On April 22, 2010, defendants submitted their motion for summary judgment (#36) and attached plaintiff's medical records as exhibits to the motion (#35). At that time, defendants moved this court to seal plaintiff's medical records (#34) and also submitted notice that such documents were being submitted under seal (#37). As noted in the motion to seal, defendants submitted the documents to plaintiff's caseworker where he could review them under the supervision of prison staff. Plaintiff's caseworker received the documents on April 26, 2010 (#56-1, p. 2).

On May 19, 2010, plaintiff sought to extend his time to respond to defendants' motion (#39), and the court granted his motion (#41). On July 13, 2010, plaintiff responded (#45). His response did not mention his inability to review any documents under seal. See id. On August 5, 2010, defendants replied (#53).

On August 9, 2010, after the briefing concerning defendants' motion for summary judgment was complete, plaintiff filed the instant motion, arguing that he has been "without the benefit of being able to review the documents under seal" (#55, p. 2).

The court notes that as early as April 2010, plaintiff received notice of the documents filed under seal and was made aware of how he could review such documents (#34). Defendants submit the affidavit of plaintiff's caseworker who notes that "[t]he documents in the envelope have been available for [plaintiff] to view, at his request, since they were received at Humboldt Conservation Camp on April 26, 2010" (#56-1, p. 2). Moreover, the court notes that plaintiff had ample opportunity to respond to the defendants' motion and alert the court to his apparent inability to view the documents under seal. Yet plaintiff took no such action in the course of briefing. The court will proceed with the litigation and will not deviate from its intention to issue a ruling on the dispositive motions before it.

Therefore, plaintiff's motion to review documents under seal (#55) is **DENIED**.

IT IS SO ORDERED.

	LANCE S. WILSON, CLERK	
By:	/s/	
-	Deputy Clerk	