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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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ENRIQUE BANUELOS,

Petitioner,

v.

GREG SMITH, et al.,

Respondents.

Case No. 3:11-cv-00896-MMD-VPC

ORDER

This action is a petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254, by a Nevada state prisoner represented by counsel.


On October 3, 2013, through counsel, petitioner filed his second amended petition and supporting exhibits. (Dkt. nos. 29-32.) Concurrent with the filing of the second amended petition, petitioner brought a motion for leave to file a document under seal. (Dkt. no. 33.) Petitioner seeks to file under seal a copy of his presentence report containing confidential information, and submitted the presentence report under seal for *in camera* review. (Dkt. no. 32.)

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). A party may have a judicial record sealed by demonstrating compelling reasons that outweigh the public policy favoring disclosure. See *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178 (9<sup>th</sup> Cir. 2006).

1 The presentence report of petitioner was submitted in support of his second  
2 amended petition. (Dkt. nos. 29 and 32.) The presentence report contains confidential  
3 information concerning petitioner, as defined under NRS 176.156. On balance, the  
4 potential harm to petitioner's interests outweighs the public's right to access the  
5 presentence report. Petitioner has made an adequate showing of compelling reasons  
6 to keep the presentence report sealed. Accordingly, the Court grants petitioner's motion  
7 to seal his presentence report. The presentence report, which was submitted for *in*  
8 *camera* review, will remain sealed.

9 It is therefore ordered that petitioner's motion to seal his presentence report (dkt.  
10 no. 33) is granted. The Clerk of Court shall keep petitioner's presentence report (dkt.  
11 no. 32) under seal.

12 DATED THIS 4<sup>th</sup> day of October 2013.

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16 MIRANDA M. DU  
17 UNITED STATES DISTRICT JUDGE  
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