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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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MATHEW LEE WILLIAMS,  
  
v.  
  
WILLIAM GITTERE, et al.,  
  
Respondents.

Case No. 3:16-cv-00505-MMD-CBC  
  
ORDER

In this habeas corpus action, Respondents filed an answer (ECF No. 66) on October 15, 2018. The pro se Petitioner, Nevada prisoner Mathew Lee Williams, is to file a reply to the answer by December 14, 2018. (See Order entered June 30, 2017 (ECF No. 38).)

On October 15, 2018, Respondents also filed a motion for leave of court to file Williams’s presentence report under seal and in camera (ECF No. 67). In that motion, Respondents request leave of court to file a copy of Williams’ presentence investigation report (Exhibit 91) under seal. There is a strong presumption in favor of public access to judicial filings and documents. See *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597 (1978); see also *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006); *Foltz v. State Farm Mut. Auto Ins. Co.*, 331 F.3d 1122, 1134 (9th Cir. 2003). However, the 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; *Kamakana*, 447 F.3d at 1179; *Hagestad v. Tragesser*, 49 F.3d 1430, 1433-34 (9th Cir. 1995). Under Nevada law, a presentence

1 investigation report is confidential, and is not to be made part of a public record. See NRS  
2 § 176.156(5). The presentence investigation report contains sensitive confidential  
3 information concerning Williams and others, and Respondents state that its disclosure in  
4 prison could cause security threats. In view of the state law, and Respondents' concerns  
5 regarding the confidentiality of the presentence investigation report, the Court finds that  
6 there is good cause for it to be filed under seal.

7 It is therefore ordered that Respondents' Motion for Leave to File Presentence  
8 Report Under Seal and in camera (ECF No. 67) is granted. Respondents are granted  
9 leave of court to file Exhibit 91 under seal.

10 It is further ordered that the Clerk of the Court is directed to separately file the  
11 presentence investigation report (ECF No. 67-1), under seal, as Exhibit 91.

12 It is further ordered that, pursuant to Federal Rule of Civil Procedure 25(d), the  
13 Clerk of the Court substitute William Gittere for Isidro Baca, on the docket for this case,  
14 as the respondent warden.

15 DATED THIS 16<sup>th</sup> day of October 2018.

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18 MIRANDA M. DU  
19 UNITED STATES DISTRICT JUDGE  
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