

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MALCOLM LEWIS BROWN,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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Civ. No. 13-5392 (RBK)

MEMORANDUM AND ORDER

Petitioner, Malcolm Lewis Brown, is a federal prisoner proceeding *pro se* with a motion to vacate, set aside, or correct his sentence pursuant to 28 U.S.C. § 2255. On July 27, 2016, this Court denied Mr. Brown’s § 2255 motion. (*See* Dkt. Nos. 11 & 12) Mr. Brown did not appeal the denial of his § 2255 motion.

On April 17, 2017, this Court received a letter from Mr. Brown. (*See* Dkt. No. 13) The letter appears to seek to have this entire matter sealed. Mr. Brown’s request to have this matter sealed will be denied. Local Civil Rule 5.3(c) governs motions to seal. The rule states as follows:

Any motion to seal or otherwise restrict access made under this rule shall be filed by the party seeking to seal materials, unless the parties otherwise agree. Any such motion shall be (a) filed within 14 days following the completed briefing of the materials sought to be sealed or may be ordered by the Court

Any motion papers shall include as part of an affidavit, declaration, certification or other documents of the type referenced in 28 U.S.C. § 1746, which shall be based on personal knowledge as required by Local Civil Rule 7.2(a), an index, substantially in form suggested by Appendix U, describing with particularity:

- (a) the nature of the materials or proceedings at issue;
- (b) the legitimate private or public interest which warrant the relief sought;
- (c) the clearly defined and serious injury that would result if the relief sought is not granted;
- (d) why a less restrictive alternative to the relief sought is not available;

(e) any prior order sealing the same materials in the pending action; and
(f) the identity of any party or nonparty known to be objecting to the sealing request.

L.Civ.R. 5.3(c)(2)(ii); (3). Mr. Brown's request to seal is untimely. Furthermore, it does not comply with particularity the items listed above. Therefore, his request to seal this matter will be denied.

Accordingly, IT IS this 4th day of May, 2017,

ORDERED that petitioner's request to seal this matter (Dkt. No. 13) is denied; and it is further

ORDERED that the Clerk shall serve this order on petitioner by regular U.S. mail.]

s/Robert B. Kugler
ROBERT B. KUGLER
United States District Judge