

MEMO ENDORSED

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February 7, 2022

**By ECF**Honorable Andrew L. Carter  
United States District Court S.D.N.Y.  
Thurgood Marshall Courthouse  
40 Foley Square  
New York, NY 10007Re: *Cunningham v. The City of New York, et al.*, No. 15-cv-1266 (ALC)

Dear Judge Carter:

I write as counsel for Plaintiff Emir Cunningham to request leave to file certain documents under seal, pursuant to Rule 6 of the Court's Individual Practices.

Plaintiff has asserted claims pursuant to 42 U.S.C. § 1983 for violations of his constitutional rights that occurred while he was incarcerated at the Anna M. Kross Center, which is a New York City Department of Correction facility. Defendant Former Warden Rose Agro was the warden of the facility during the relevant period of time. Plaintiff's claims pertain to his failure to receive, among other things, critical medical treatment. Because of the sensitive nature of the documents supporting Plaintiff's claims, including detailed medical records, Plaintiff requests permission to file portions of his opposition brief to Defendant's Motion for Summary Judgment (ECF No. 115), and related exhibits under seal that relate to his medical treatment.

This request to seal is consistent with the decisions of other courts that have recognized an individual's privacy interests in their medical records, particularly in light of federal law that maintains the confidential nature of those records. *See, e.g., Barnwell v. FCI Danbury*, No. 3:10-CV-01301, 2011 WL 5330215, at \*5 (D. Conn. Nov. 3, 2011). Further, this request is consistent with a similar sealing request made by Defendant in this action on January 13, 2022 (ECF No. 114). Defendant's counsel consents to Plaintiff's current request. As such, Plaintiff respectfully requests that the Court grant Plaintiff's request to file information pertaining to his medical records under seal.

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Respectfully submitted,


*/s/ Kyla Jackson*

Kyla Jackson

cc: Counsel of record

The Court is in receipt of the parties' requests to seal documents in this case, and apologies for the delay in confirming that the documents will remain sealed.

The motion to seal is GRANTED nunc pro tunc.

SO ORDERED:  
  
HON. ANDREW L. CARTER, JR.  
UNITED STATES DISTRICT JUDGE

Dated: Sept. 28, 2022