

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION AT COLUMBUS**

JASMINE D. LEWIS,

Petitioner,

: Case No. 2:20-cv-3461

- vs -

District Judge Michael H. Watson  
Magistrate Judge Michael R. Merz

SHELBY SMITH, Warden,  
Dayton Correctional Institution,

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Respondent.

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**DECISION AND ORDER GRANTING AMENDED MOTION TO  
EXPAND THE RECORD AND TO FILE DOCUMENTS UNDER  
SEAL**

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This habeas corpus case is before the Court on Petitioner’s Amended Motion to Expand the Record and to File Documents Under Seal (ECF No. 13).

With the consent of counsel for the Respondent, the record is expanded to include documents described as “1) Presentence Investigation Report, 2) 06/21/2017 “Confidential” Court’s Exhibit 1, and 3) 06/08/2017 Judgment Entry.” *Id.* at PageID 361.

Petitioner has not submitted these three documents for *in camera* inspection, but represents that they contain material which is “confidential and sensitive information regarding Lewis.” *Id.* Under controlling Sixth Circuit authority, a District Court may not permit filing under seal without a determination of good cause as to each such document, even if the parties agree, to protect the public’s interest in transparency of court proceedings. *Procter & Gamble Co. v. Bankers Trust Co.*, 78 F.3d 219 (6th Cir. 1996); *Shane Group, Inc., v. Blue Cross Blue Shield of Michigan*, 825 F.3d

299, 306 (6<sup>th</sup> Cir. 2016)(Kethledge, J.).

Accordingly, Petitioner may file the referenced documents under temporary seal and the Court will examine the documents to determine if their continued sealing is appropriate. If the Court determines that sealing is not appropriate, Petitioner will be given an opportunity to withdraw the documents to protect her privacy interests in them.

October 6, 2020.

*s/ Michael R. Merz*  
United States Magistrate Judge