

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 ENRIQUE AGUILAR-VALENCIA,

CASE NO. C18-0359-JCC

10 Petitioner,

ORDER

11 v.

12 UNITED STATES OF AMERICA,

13 Respondent.
14

15 This matter comes before the Court on the Government's motion to seal (Dkt. No. 13)
16 two exhibits (Dkt. Nos. 14-1, 14-2) filed in support of its response (Dkt. No. 12) to Petitioner's
17 28 U.S.C. section 2255 petition (Dkt. No. 1). The Court hereby GRANTS the motion (Dkt. No.
18 13) for the reasons explained herein.

19 The Court starts from the position that "[t]here is a strong presumption of public access to
20 [its] files." W.D. Wash. Local Civ. R. 5(g). This presumption applies particularly to "dispositive
21 pleadings." *Kamakana v. City and Cty. of Honolulu*, 447 F.3d 1172, 1179 (9th Cir. 2006). To
22 overcome this presumption, there must be a "compelling reason" for sealing that is "sufficient to
23 outweigh the public's interest in disclosure." *Id.* The Government seeks to maintain two
24 documents under seal: a declaration made by Petitioner's trial counsel regarding their
25 communications in the underlying criminal case, and Petitioner's presentence investigation
26 report ("PSR"). (Dkt. No. 13 at 2.) The Government states that both documents contain sensitive

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1 information that should be withheld from the public. (*Id.*)

2 Petitioner's counsel made the subject declaration after the Court ordered a limited waiver
3 of the attorney client privilege in order to assess Petitioner's claim for ineffective assistance of
4 counsel. (Dkt. No.11.) The declaration provides a detailed account of attorney-client
5 communications. (*See* Dkt. No. 14-1.) The confidentiality of those communications represents a
6 compelling reason to maintain the declaration under seal, which outweighs the public's right to
7 access. Petitioner's PSR should also be exempted from public disclosure. The PSR was filed
8 under seal in the underlying criminal case and contains sensitive personal information about
9 Petitioner. *See United States of America v. Enrique Aguilar-Valencia*, No. CR15-0202-JCC, Dkt.
10 No. 304 (W.D. Wash. 2017). Therefore, the Government has demonstrated a compelling reason
11 to seal the PSR that outweighs the public's interest in its disclosure.

12 For the foregoing reasons, the Government's motion to seal (Dkt. No. 13) is
13 GRANTED. The Clerk is DIRECTED to maintain Document Numbers 14-1 and 14-2 under seal.

14 DATED this 6th day of August 2018.

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19 John C. Coughenour
20 UNITED STATES DISTRICT JUDGE