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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 JAMES EDWARD CURTIS,

7 Plaintiff,

8 v.

9 TERRY J. BENDA and WILLIAM E.
RILEY,

10 Defendants.

No. C08-5109 BHS/KLS

ORDER DENYING PLAINTIFF'S
MOTION TO SEAL

11 Before the Court is Plaintiff's Motion to Seal Documents. ECF No. 210. Plaintiff asks
12 the Court to issue an order sealing "certain documents" that Plaintiff anticipates filing in
13 response to Defendant Riley's motion for summary judgment. Plaintiff states that some of the
14 documents he intends to file would place "any number of individuals confined by the
15 Washington Department of Corrections" in harm's way if they are not ordered sealed by the
16 Court. *Id.* Defendant Riley does not oppose the motion in principle, but notes that he has not yet
17 seen the documents that Plaintiff intends to have sealed. ECF No. 211.

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19 This Court cannot rule on Plaintiff's motion without first reviewing the documents that
20 Plaintiff intends to file. Local Rule CR5(g) governs the request to file documents under seal. If
21 Plaintiff wishes to have any portion of his exhibits sealed, he should file them in accordance with
22 Local Rule CR5(g) so that the Court may review them *in camera* and determine if they shall
23 remain sealed.
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25 Local Rule CR5(g) provides as follows:

- 26 (1) This rule sets forth a uniform procedure for sealing documents filed with
the court. Nothing in this rule shall be construed to expand or restrict

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1 statutory provisions for the sealing of documents, court files or cases.


- 2 (2) There is a strong presumption of public access to the court's files. With
3 regard to dispositive motions, this presumption may be overcome only on
4 a compelling showing that the public's right of access is outweighed by
5 the interests of the public and the parties in protecting the court's files
6 from public review. With regard to non-dispositive motions, this
7 presumption may be overcome by a showing of good cause under Rule
8 26(c).
- 9 (3) If a party seeks to have documents filed under seal and no prior order in
10 the case or statute specifically permits it, the party must obtain
11 authorization to do so by filing a motion to seal or a stipulation and
12 proposed order requesting permission to file specific documents under
13 seal. The court will allow parties to file entire memoranda under seal only
14 in rare circumstances. A motion or stipulation to seal usually should not
15 itself be filed under seal. A declaration or exhibit filed in support of the
16 motion to seal may be filed under seal if necessary. If possible, a party
17 should protect sensitive information by redacting documents rather than
18 seeking to file them under seal. A motion or stipulation to seal should
19 include an explanation of why redaction is not feasible.
- 20 (4) A motion or stipulation to seal shall provide a specific description of
21 particular documents or categories of documents a party seeks to protect
22 and a clear statement of the facts justifying sealing and overcoming the
23 strong presumption in favor of public access. The facts supporting any
24 motion or stipulation to seal must be provided by declaration or affidavit.
- 25 (5) A motion or stipulation to seal may either be filed prior to or
26 contemporaneously with a filing that relies on the documents sought to be
filed under seal. If the court subsequently denies the motion to seal, the
sealed document will be unsealed unless the court orders otherwise, or
unless the party that is relying on the sealed document, after notifying the
opposing party within three days of the court's order, files a notice to
withdraw the documents. If a party withdraws a document on this basis,
the parties shall not refer to the withdrawn document in any pleadings,
motions and other filings, and the court will not consider it. For this
reason, parties are encouraged to seek a ruling on motions to seal well in
advance of filing underlying motions relying on those documents.
- (6) Files sealed based on a court order shall remain sealed until the court
orders unsealing upon stipulation of the parties, motion by any party or
intervenor, or by the court after notice to the parties. Any party opposing
the unsealing must meet the required showing pursuant to 5(g)(2) that the
interests of the parties in protecting files, records, or documents from
public review continue to outweigh the public's right of access.

1 (7) For those parties (e.g., pro se) who are exempt from the otherwise
2 mandatory electronic filing requirement, each document to be filed under
3 seal must be submitted in hard copy and submitted in a separate envelope,
4 clearly identifying the enclosed document and stating that the document is
5 “FILED UNDER SEAL.” For example, if both the motion and the
6 accompanying affidavit should be filed under seal, the two documents
7 must be submitted in separate, clearly marked envelopes so that each may
8 be entered on the docket. If only one exhibit or document needs to be
9 filed under seal, only that exhibit or document should be submitted in an
10 envelope.

11 It is **ORDERED**:

- 12 1) Plaintiff’s Motion to Seal Documents (ECF No. 210) is **DENIED**.
- 13 2) The Clerk shall send a copy of this Order to Plaintiff and to counsel for
14 Defendant.

15 **DATED** this 18th day of April, 2012.

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17 Karen L. Strombom
18 United States Magistrate Judge
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