

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BLUEFIELD DIVISION

JEROME ANTHONY MORRIS,

Petitioner,

v.

Case No. 1:15-cv-04912

BART MASTERS, Warden

Respondent.

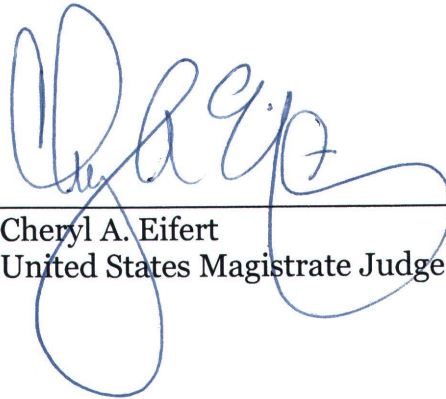
MEMORANDUM OPINION AND ORDER SEALING EXHIBIT

Pending before the Court is Respondent's Motion to File Under Seal Exhibit 7 of Its Response to the Order to Show Cause. (ECF No. 19). Exhibit 7 is a copy of the Petitioner's Presentence Report. Due to the confidential nature of the information contained in the report, and the requirement that such reports not be published, this Court **ORDERS** Exhibit 7 to be sealed. The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, Exhibit 7 shall be sealed and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the document, but in view of the confidential nature of

the information, no such alternatives are feasible at this time. Accordingly, the Court finds that sealing Exhibit 7 does not unduly prejudice the public's right to access court documents.

The Clerk is instructed to provide a copy of this Order to the Petitioner and all counsel of record.

ENTERED: February 9, 2016



Cheryl A. Eifert
United States Magistrate Judge