

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

BLUEFIELD DIVISION

HUMBERTO BLANCO GONZALEZ,

Petitioner,

v.

Case No. 1:17-cv-01429

WARDEN, FCI,

Respondent.

MEMORANDUM OPINION and ORDER SEALING DOCUMENTS

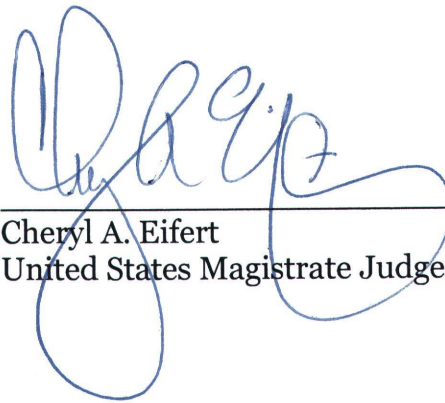
Pending before the Court is a Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241. (ECF No. 1). Based upon uncontested information indicating that Petitioner did not file the petition, and that the information in the petition does not pertain to the named Petitioner, the Court **ORDERS** that the Petition for a Writ of Habeas Corpus Under 28 U.S. C. § 2241 and supporting memorandum, (ECF Nos. 1, 2), and Petitioner's Letter Form Motion, (ECF No. 10), be **SEALED** until further order of the Court.

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, the petition and motion 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 documents, but in view of the circumstances surrounding the filing of this Petition—in particular, that the information contained therein does not pertain to the Petitioner and was not properly asserted—no such alternatives are feasible at this time. Moreover, given the nature of the petition and the fact that the information in the petition is unrelated to Petitioner, the public's right to the information is minimal. Accordingly, the Court finds that sealing the aforementioned documents does not unduly prejudice the public's right to access court documents.

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

ENTERED: April 4, 2017



Cheryl A. Eifert
United States Magistrate Judge