

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

**CHARLESTON DIVISION**

**JOHN MARSHALL UNDERWOOD, JR.,**

**Movant,**

**v.**

**Case No. 2:18-cv-00671**

**Case No. 2:17-cr-00029**

**UNITED STATES OF AMERICA,**

**Respondent.**

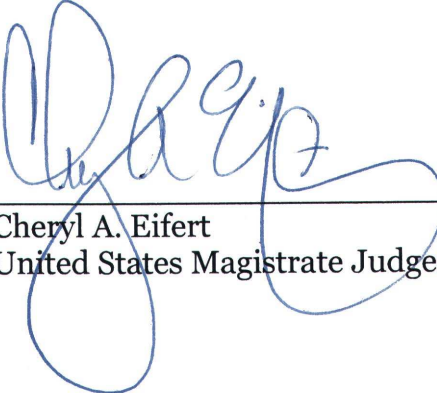
**MEMORANDUM OPINION AND ORDER SEALING EXHIBITS**

Pending before the Court is Respondent's Motion to Seal. (ECF No. 82). The Court notes that the attached exhibits contain confidential information, some of which involves minor children. Due to the confidential nature of the information contained in the exhibits, and the requirement that such information not be published, this Court **ORDERS** the Clerk to seal the exhibits attached to the Motion to Seal. 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 attached exhibits 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 confidential nature of the information, no such alternatives are feasible at this time. Accordingly, the Court finds that sealing the exhibits attached to Respondent's Motion to Seal 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:** October 18, 2018



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Cheryl A. Eifert  
United States Magistrate Judge