

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

HUNTINGTON DIVISION

CEDEAL HARPER,

Petitioner,

v.

Case No.: 3:13-cv-23467

**DAVID BALLARD, Warden,
Mount Olive Correctional Complex,**

Respondent.

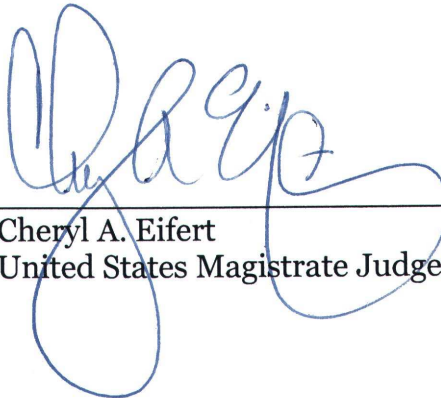
MEMORANDUM OPINION AND ORDER SEALING EXHIBITS

Petitioner has filed a Response in Opposition to Respondent's Response to Court Order, (ECF No. 34), with attached exhibits in the instant matter. The exhibits include documents for which privacy protection redactions should have been made, but were not made as required by Fed.R.Civ.P 5.2 and the Local Rules of this District. Given the confidential information contained in the exhibits, this Court **ORDERS** the exhibits to be sealed until appropriate redactions can be made. 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 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 exhibits, but in view of the confidential information contained in the exhibits and the lack of requisite redactions, no alternatives are feasible at this time. Accordingly, the Court finds that sealing the exhibits until proper redactions can be made does not unduly or significantly prejudice the public's right to access them.

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

ENTERED: April 24, 2014



Cheryl A. Eifert
United States Magistrate Judge