

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

HUNTINGTON DIVISION

ETHELBERT BROADNAX,

Plaintiff,

v.

Case No. 3:15-cv-02460

**UNITED STATES OF AMERICA,
HUNTINGTON, WEST VIRGINIA, V.A.M.C.,
BECKELY, WEST VIRGINIA, V.A.M.C.,
and WESTERN REGIONAL JAIL,**

Defendants.

MEMORANDUM OPINION AND ORDER SEALING EXHIBIT

Plaintiff has filed a Complaint (ECF No. 1), 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 by Plaintiff.

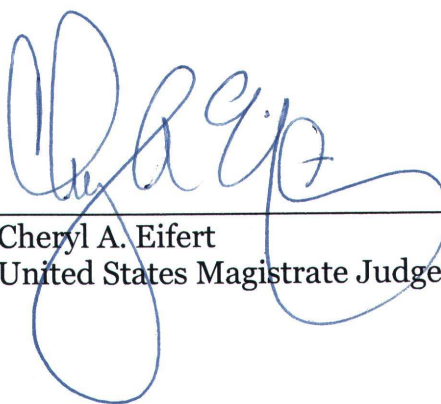
The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three step process: (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 documents but in view of the highly confidential and specially protected nature of the record, no such alternatives are feasible at this time. Plaintiff shall be ordered to re-file the exhibits with the proper redactions made at which time any information not protected or confidential shall be made available to the public. Accordingly, the Court finds that sealing the exhibits only temporarily prevents public disclosure of relevant information and thus will not unduly or significantly prejudice the public's right of access to court records.

Plaintiff is **ORDERED** to re-submit the exhibits within **fourteen (14) days** of the date of this Order, **with the requisite redactions** as specified in Fed.R.Civ.P 5.2 and the Local Rules of this District.

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

ENTERED: March 4, 2015



Cheryl A. Eifert
United States Magistrate Judge