

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA

HUNTINGTON DIVISION

RASHEED T. LATHAM,

Movant,

v.

Case No. 3:17-cv-03998

Case No. 3:15-cr-00145-03

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION and ORDER
SEALING DOCUMENT

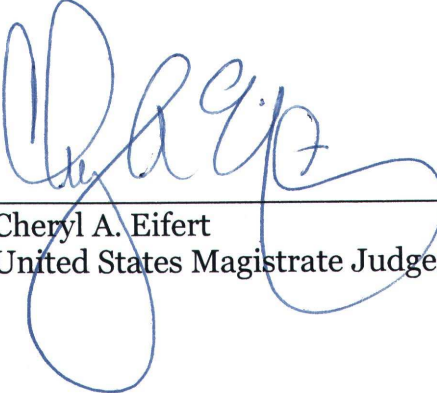
Pending is Respondent's Motion to Seal, (ECF No. 301), requesting to file under seal, its Response and all exhibits attached thereto. According to Respondent, the Response and attached exhibits contain sensitive information, which has been designated as confidential by Respondent. Due to the highly sensitive nature of the Response and attached exhibits, the Court **GRANTS** the motion and **ORDERS** that Respondent's Response and all exhibits attached thereto be filed as **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, the attached document 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 Response and attached exhibits, but no alternatives to sealing the document are feasible. Moreover, the public's right to be informed is greatly outweighed by the interests to be protected in this circumstance. Accordingly, the Court finds that sealing Respondent's Response and the attached exhibits 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 Movant and all counsel of record.

ENTERED: January 8, 2018



Cheryl A. Eifert
United States Magistrate Judge