

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

BECKLEY DIVISION

RICHARD SELVIS JEFFERSON,

Petitioner,

v.

CIVIL ACTION NO. 5:07-cv-00941

T. R. CRAIG,

Respondent.

MEMORANDUM OPINION AND ORDER

Before the Court is Petitioner Richard Jefferson's Motion to Seal Exhibit A to Amended Petition [Docket 52]. The documents Petitioner seeks to seal are page four of the Judgment Order and the transcript of the sentencing hearing from his 1992 criminal conviction in the United States District Court for the District of New Jersey. Page four of the Judgment Order states the guideline ranges determined by the sentencing court and indicates that the court chose to impose an upward departure. The order refers to the attached sentencing hearing transcript as providing the reasons for the upward departure.

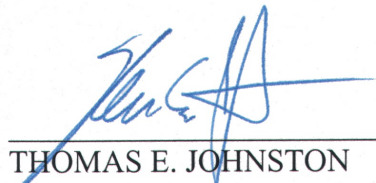
Petitioner cites Rule 32.2(a) of the Local Rules of Criminal Procedure as the grounds for his motion to seal. Rule 32.2(a) limits the disclosure of "confidential records of the court maintained by the probation office, including presentence reports and probation or supervised release records." The documents Petitioner seeks to seal are not records maintained by the probation office. Thus, they are not covered by Rule 32.2(a).

This district adheres to the view that “public inspection of court documents is necessary to allow interested parties to judge the court’s work product in cases assigned to it.” L.R. Civ. P. 26.4(b)(1). Accordingly, documents filed in civil cases are to be accessible to the public unless “exceptional circumstances” dictate otherwise. *Id.* The documents Petitioner seeks to seal do not present exceptional circumstances that would justify a deviation from the general rule that documents in civil cases should be open to the public. Page four of the Judgment Order contains no private or sensitive information and the sentencing hearing occurred in open court. The motion to seal [Docket 52] is **DENIED**.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: June 3, 2009



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE