

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

BECKLEY DIVISION

ROY KNIGHT,

Petitioner,

v.

Case No. 5:20-cv-00329

WARDEN, FCI Beckley,

Respondent.

MEMORANDUM OPINION and ORDER SEALING DOCUMENTS

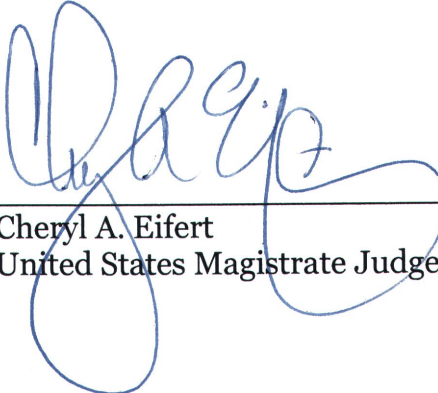
Pending before the Court is Respondent's Motion to Seal Exhibits, (ECF No. 18), requesting the attached Exhibit Nos. 1 through 7 and Exhibit Nos. 13 through 15 be filed under seal and made a part of Respondent's Supplemental Brief. (ECF No. 17). The Court notes that Exhibit Nos. 1 through 7 and Exhibit Nos. 13 through 15 contain confidential information. Due to the confidential information contained in the exhibits, and the requirement that such information not be published, the Court **GRANTS** the Motion to Seal and **ORDERS** that Exhibit Nos. 1 through 7 (ECF No. 18-1-7) and Exhibit Nos. 13 through 15, (ECF Nos. 18-8-10), be sealed and made a part of Respondent's Supplemental Brief in Response to Petitioner's Motion Pursuant to 28 U.S.C. § 2241. (ECF No. 17).

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, Exhibit Nos. 1 through 7 and Exhibit Nos. 13 through 15 to Respondent's Supplemental Brief 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, and the fact that the information is interspersed throughout Exhibit Nos. 1 through 7 and Exhibit Nos. 13 through 15, no such alternatives are feasible at this time. Accordingly, the Court finds that sealing Exhibit Nos. 1 through 7 and Exhibit Nos. 13 through 15 to Respondent's Supplemental Brief does not unduly prejudice the public's right to access court documents.

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

ENTERED: March 10, 2021



Cheryl A. Eifert
United States Magistrate Judge