IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

IN RE:

SEALING OF DOCUMENTS :
FILED WITH THE COURT

:

RE-ADOPTED GENERAL ORDER NUMBER 14

Whenever any person seeks to protect a privacy, confidentiality, or other interest in documents filed in this Court, the following procedure shall apply:

1. No documents filed with this Court shall be withheld from disclosure to any member of the public except upon a court order sealing the documents. This does not limit the discretion of the court employee having custody of documents (usually the Clerk) to make reasonable provision for the security of court files and to set reasonable time, place, and manner restrictions upon the availability of files to members of the public.

2. Applications for an order to seal must be by written motion filed with the clerk. (On occasion a judicial officer may need to accept a filing at a time when the Clerk's Office is not open. In that case, a judicial officer will forward the motion to the Clerk as soon as possible.) To the maximum extent possible without compromising the interest sought to be protected by sealing, in a case involving a search warrant, a movant shall identify in the caption of the motion the premises or person to be searched.

3. Applications for sealing shall cover as few documents as necessary to protect the claimed interest. For example, if the reason for sealing is to protect an informant's identity, ordinarily only the affidavit would need to be sealed, not the warrant, inventory, and return.

4. Ordinarily in search warrant cases, the Court will act on motions to seal *ex parte*, but indulge a presumption in favor of public access to court documents. Orders to seal will be public documents from the time of filing.

5. Any person may move the Court in writing to unseal any sealed document. The Clerk will promptly transmit a copy of any such motion to all counsel of record in the relevant case (the United States Attorney in any search warrant case) and to the judicial officer who issued the sealing order. Any opposition to unsealing shall be filed within the time allowed by S.D. Ohio Civ. R. 7.2. In deciding a motion to unseal, the Court will examine the sealed document in-camera. The Court may order the entire document or a redacted version thereof unsealed. If the initial ruling on an unsealing motion is made by a Magistrate Judge, appeal will lie in the first instance to the District Judge.

6. All sealed documents shall remain sealed until further Court order, except that all sealed search warrant documents (warrants, affidavits, returns, and inventories) filed on or after February 1, 2002, shall be unsealed by the Clerk without further order six months from the date of filing unless the United States or some others interested party shows good cause to keep the document sealed.

7. This Order is effective February 1, 2002. It has been re-adopted as of January 6, 2005, to reflect concurrence of all the Dayton judges.

January 6, 2005.

Walter H. Rice
United States District Judge

Thomas M. Rose
United States District Judge

Michael R. Merz
Chief United States Magistrate Judge

Sharon L. Ovington
United States Magistrate Judge

General Order No. 14(c).wpd