

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

AUSTIN J. SPRUELL,

Defendant.

Case No. 15-20015

MEMORANDUM AND ORDER

This matter is before the court on defendant Austin J. Spruell's Motion to Unseal Documents (Doc. 30). Defendant asks the court to unseal docket entry numbers 20, 21, and 22 and the Statement of Reasons (Doc. 29). He also requests a copy of an updated docket activity sheet, the judgment and commitment papers, and the Statement of Reasons. Defendant is currently serving a 30-month sentence in the Bureau of Prisons.

While courts have long recognized a right of access to judicial records, that right is not absolute. *Mann v. Boatright*, 477 F.3d 1140, 1149 (10th Cir. 2007). "The presumption of access . . . can be rebutted if countervailing interests heavily outweigh the public interests in access." *Id.* When a party seeks to have information sealed, it bears the burden of showing "some significant interest" that outweighs the presumption of having records made available to the public. *Id.* Whether judicial records or case-related information should be sealed is left to the found discretion of the district court. *Id.*

Here, defendant asks this court to unseal the sentencing memorandum his counsel filed in preparation for sentencing. The sentencing memorandum was sealed at defense counsel's request. The court has reviewed that document and determined it was properly sealed because it contains sensitive

and private personal information about defendant's childhood and his family. As defendant has not articulated why he needs access to these documents, the court finds there is no reason to unseal them.

Defendant also asks for the Statement of Reasons to be unsealed. Again, that document is sealed because it contains personal identifying information about defendant. The court does not believe it is in defendant's best interest to have the document unsealed.

Defendant also asks for the court to forward him copies of various documents including the judgment and Statement of Reasons. Because the court declined to unseal the Statement of Reasons, the court will not forward that document to defendant. The court finds, however, that defendant is entitled to a copy of the judgment, as it is a publicly filed document.

IT IS THEREFORE ORDERED that defendant's Motion to Unseal Documents (Doc. 30) is denied in part and granted in part. The court declines to unseal the requested documents, but orders the Clerk's office to forward defendant a copy of the judgment (Doc. 28) along with a copy of this order.

Dated April 18, 2018, at Kansas City, Kansas.

s/ Carlos Murguia
CARLOS MURGUIA
United States District Judge