

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Mou Seng See v. Rivas, et al.

See v. Rivas · No. 1:23-cv-01354-KES-BAM (PC) · Decided July 15, 2025

SUMMARY

The United States District Court for the Eastern District of California grants Defendants’ motion to file video evidence under seal in a prisoner civil-rights action. The Court finds compelling justifications based on institutional security concerns and orders the videos to remain sealed until further order, subject to supervised viewing by Plaintiff under specified conditions.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Barbara A. McAuliffe
JURISDICTION	United States District Court for the Eastern District of California
DECIDED	July 15, 2025
DOCKET	1:23-cv-01354-KES-BAM (PC)
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved to file video evidence supporting their pending motion for summary judgment under seal. The court granted the sealing motion.
STANDARD OF REVIEW	The court assessed whether compelling justification existed to overcome the public-access presumption applicable to court filings and conducted an in camera review of the videos.
PRECEDENTIAL VALUE	Unknown

TOPICS

- civil procedure
- prisoners rights
- civil rights

PRACTICE AREAS

- Civil procedure
- Prisoner civil rights
- Sealing of court records

QUESTIONS PRESENTED

1. Whether defendants established compelling justification to file the video evidence under seal despite the presumption that court filings are public.
2. Whether sealing the videos would prejudice plaintiff when plaintiff could view them under specified supervisory conditions.

HOLDINGS

1. Defendants established compelling justification for sealing the videos because public disclosure could threaten the safety and security of correctional institutions, staff, or inmates.
2. The videos could remain sealed without prejudicing plaintiff because he had previously viewed related footage and could obtain supervised further viewing without copying or disclosure to other inmates.

KEY QUOTATIONS

“Filings in cases such as this are a matter of public record absent compelling justification.” (at 2)

“The videos shall remain under seal until ordered unsealed by the Court.” (at 2)

FACTUAL BACKGROUND

The videos consisted of footage from the E-Facility kitchen at SATF and body-worn-camera footage from three custody defendants. The California Department of Corrections and Rehabilitation maintained the videos as confidential, and defendants asserted that disclosure of security-camera viewpoints, camera limitations, and staff administrative or investigative practices could threaten institutional, staff, and inmate safety. Plaintiff had previously viewed related footage during discovery and could view the videos again under supervision without making copies.

PROCEDURAL HISTORY

Plaintiff, a state prisoner proceeding pro se and in forma pauperis, brought a 42 U.S.C. § 1983 action alleging deliberate indifference to medical needs in violation of the Eighth Amendment. Defendants filed a motion for summary judgment and a related motion to file kitchen and body-worn-camera videos under seal. Plaintiff opposed summary judgment but did not oppose the sealing motion, which the court deemed submitted under Local Rule 230(l).

DISPOSITION

other

CASES CITED

- United States v. Stoterau, 524 F.3d 988, 1012 (9th Cir. 2008)

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF
CALIFORNIA 10 11 MOU SENG SEE, Case No. 1:23-cv-01354-KES-BAM (PC) 12 Plaintiff,

ORDER GRANTING DEFENDANTS' MOTION TO FILE VIDEOS UNDER SEAL 13 v. (ECF No. 66) 14 RIVAS, et al., 15 Defendants. 16 17 Plaintiff Mou Seng See ("Plaintiff") is a state prisoner proceeding pro se and in forma 18 pauperis in this civil rights action under 42 U.S.C. § 1983.

This action proceeds against 19 Defendants Rivas, Roman, Rivera, and Dorado ("Defendants") for deliberate indifference to the 20 need for medical care in violation of the Eighth Amendment. 21 On June 6, 2025, Defendants filed a motion for summary judgment on the grounds that: 22 (1) there is no genuine issue as to any material fact and Defendants are entitled to judgment as a 23 matter of law; and (2) Defendants are entitled to qualified immunity.

(ECF No. 67.) Defendants 24 also filed a motion to file videos submitted in support of the motion for summary judgment under 25 seal. (ECF No. 66.) 26 Although Plaintiff filed an opposition to Defendants' motion for summary judgment, 27 (ECF No. 69), Plaintiff did not file a response to Defendants' motion to file videos under seal, 28 and the time to do so has expired.

The motion to file videos under seal is deemed submitted. 1 Local Rule 230(l). 2 Defendants move to file under seal for in camera review video footage of the E-Facility 3 kitchen at SATF as well as body worn camera footage from the three custody defendants. (ECF 4 No. 66.)

The videos are maintained as confidential by the California Department of Corrections 5 and Rehabilitation ("CDCR") and Defendants contend that public disclosure of the videos could 6 threaten the safety and security of CDCR institutions, staff, or inmates. Disclosure of images 7 depicting security camera viewpoints (and their limitations) as well as the administrative or 8 investigative practices of staff through their body worn cameras could compromise the safety and 9 security of the institution, staff, or inmates.

Disclosure of these images to inmates, staff, or 10 anyone with interest could assist or encourage disruptive or unlawful conduct, including violence, 11 the hiding of contraband, attempts to escape the prison, the fabrication of frivolous lawsuits, or 12 other obstructions to the prison's operations. Defendants argue that the threat posed by disclosure 13 can be mitigated by providing Plaintiff an opportunity to view the videos under staff or counsel 14 supervision, prohibiting Plaintiff from making a copy of the videos or images contained within 15 the videos, and prohibiting any other inmate from viewing the videos with Plaintiff.

Upon 16 request by Plaintiff, the SATF Litigation Coordinator and counsel for Defendants will facilitate 17 Plaintiff's viewing of the video exhibits so that he will not be prejudiced by the Court's sealing 18 order, and Plaintiff has already viewed the related footage through the channels above during the 19 discovery process. (Id.)

The videos have also been submitted to the Court for in camera review 20 pursuant to Local Rule 141. 21 Filings in cases such as this are a matter of public record absent compelling justification.

22 United States v. Stoterau, 524 F.3d 988, 1012 (9th Cir. 2008).

The Court has conducted an in 23 camera review of the videos to determine if the information is of a nature that clearly would 24 require the Court to maintain confidentiality. The Court finds that public disclosure of the videos 25 could threaten the safety and security of CDCR institutions, staff, or inmates. Further, in light of 26 Plaintiff's failure to file an opposition to Defendants' motion to file the videos under seal, 27 Plaintiff's prior viewing of the videos during discovery, and defense counsel's ability to facilitate 28 Plaintiff's further viewing of the videos upon Plaintiff's request, the Court finds that Plaintiff will 1 not be prejudiced by the Court's sealing order.

These are compelling justifications for sealing at 2 this time. 3 Although Defendants have requested that the videos remain under seal for 10 years from 4 the date the case is closed, (ECF No. 66-3, p. 2), it is the practice of this Court to maintain case 5 documents under seal for an undetermined time period, until they are ordered unsealed by the 6 Court.

Accordingly, the Court shall grant Defendants' motion to file videos under seal. The 7 videos shall remain under seal until ordered unsealed by the Court. 8 Based on the foregoing, IT IS HEREBY ORDERED that: 9 1. Defendants' motion to file videos under seal, (ECF No. 66), is GRANTED; 10 2.

The videos shall remain under seal until ordered unsealed by the Court; and 11 3. The videos shall not be disclosed to Plaintiff, except under the conditions specified above, 12 or the general public. 13 IT IS SO ORDERED. 14 15 Dated: July 15, 2025 /s/ Barbara A. McAuliffe _ UNITED STATES MAGISTRATE JUDGE 16 17 18 19 20 21 22 23 24 25 26 27 28