

**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

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 supervision, prohibiting Plaintiff from making a copy of the videos or images contained within the videos, and prohibiting any other inmate from viewing the videos with Plaintiff.

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

The videos have also been submitted to the Court for in camera review pursuant to Local Rule 141. Filings in cases such as this are a matter of public record absent compelling justification. *United States v. Stoterau*, 524 F.3d 988, 1012 (9th Cir. 2008).

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

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

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

The videos shall remain under seal until ordered unsealed by the Court; and 3. The videos shall not be disclosed to Plaintiff, except under the conditions specified above, or the general public. IT IS SO ORDERED. Dated: July 15, 2025 /s/ Barbara A. McAuliffe _ UNITED STATES MAGISTRATE JUDGE