

DISTRICT COURT OF THE VIRGIN ISLANDS, DIVISION OF ST. CROIX

Carlson Gray Swafford v. Richard Evangelista, Esq., in His Official and Individual Capacities; Kyle Flemming, in His Official and Individual Capacities; and Gordon Rhea, Esq., in His Official and Individual Capacities

Swafford v. Evangelista · No. 1:25-cv-00038-RAM-EAH · Decided April 16, 2026

SUMMARY

The District Court of the Virgin Islands denies Carlson Gray Swafford’s motion to seal financial records submitted in support of his in forma pauperis and remote participation filings. The Court holds that IFP applications and supporting materials are judicial records subject to a strong presumption of public access, and that the plaintiff failed to demonstrate a clearly defined and serious injury warranting sealing. The Court directs the Clerk to send the order to Swafford by certified mail.

CASE DETAILS

COURT	District Court of the Virgin Islands, Division of St. Croix
WRITING FOR THE COURT	Emile A. Henderson III
JURISDICTION	District Court of the Virgin Islands, Division of St. Croix
DECIDED	April 16, 2026
DOCKET	1:25-cv-00038-RAM-EAH
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved to seal financial records submitted in support of his motions to proceed in forma pauperis and related filings.
STANDARD OF REVIEW	A party seeking to seal judicial records bears a heavy burden to show that the material is protectable and that disclosure would cause a clearly defined and serious injury. The court applies the common-law presumption of public access and considers whether narrower redactions would suffice.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive value only

TOPICS

civil procedure

PRACTICE AREAS

civil procedure

privacy and access to judicial records

QUESTIONS PRESENTED

1. Whether financial records submitted in support of applications to proceed in forma pauperis should be sealed from public access.
2. Whether Plaintiff demonstrated a clearly defined and serious injury sufficient to overcome the common-law right of public access to judicial records.
3. Whether the existing redactions under Federal Rule of Civil Procedure 5.2 adequately protected the sensitive information.

HOLDINGS

1. Applications to proceed in forma pauperis and their supporting financial records are judicial records subject to the common-law right of public access because they concern the court's statutorily based exercise of discretion and the proper administration of public funds.
2. Plaintiff failed to overcome the strong presumption of public access because generalized privacy concerns, an asserted informational asymmetry, and unsupported allegations of harm do not establish a clearly defined and serious injury.
3. Sealing was not warranted because the documents' account and personal-identification information had already been redacted in compliance with Federal Rule of Civil Procedure 5.2, and redaction is preferable to wholesale sealing where possible.

KEY QUOTATIONS

“The public right of access to judicial proceedings and records is integral and essential to the integrity of the judiciary.” (3)

“A party seeking to seal any part of a judicial record bears the heavy burden of showing that the material is the kind of information that courts will protect and that disclosure will work a clearly defined and serious injury to the party seeking closure.” (4)

“Therefore, where possible, parties should propose redactions, rather than placing a whole document under seal.” (4)

FACTUAL BACKGROUND

Plaintiff submitted bank, credit-card, mortgage, tax, utility, employment-search, and other financial records in connection with his applications to proceed in forma pauperis. Some documents contained sensitive personal and financial information, but the account and identification numbers were redacted in compliance with Federal Rule of Civil Procedure 5.2. Plaintiff argued that the records should be sealed because they revealed his complete financial picture and created an informational imbalance before service and discovery.

PROCEDURAL HISTORY

Plaintiff filed two motions to proceed in forma pauperis. After the Court denied the initial motion without prejudice for lack of sufficient financial information, Plaintiff filed a more complete application with supporting financial documents. Plaintiff then moved to seal those records. The District Court denied the motion to seal.

DISPOSITION

other

CASES CITED

- Doe v. Megless, 654 F.3d 404, 408 (3d Cir. 2011)
- Bank of Am. Nat’l Tr. & Sav. Ass’n v. Hotel Rittenhouse Assocs., 73 F. Supp. 3d 544, 557-59 (W.D. Pa. 2014)
- Sampath v. Concurrent Techs. Corp., No. 03-cv-264, 2008 WL 11511504 (W.D. Pa. May 14, 2008)
- Johnson v. City of Philadelphia, 589 F. App’x 419, 429 (3d Cir. 2015)
- Del Nero v. NCO Fin. Servs., Inc., No. 21-cv-04823, 2021 WL 2375892, at *2 (E.D. Pa. June 10, 2021)
- Wimberly v. Experian Info. Sols., No. 18-cv-06058, 2021 WL 1146277, at *1 (S.D.N.Y. Mar. 24, 2021)

OPINION

Swafford

PER CURIAM.

DISTRICT COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. CROIX

||

CARLSON GRAY SWAFFORD, ||

|| Plaintiff, || 1:25-cv-00038-RAM-EAH v. || ||

RICHARD EVANGELISTA, ESQ., in ||

His Official and Individual || Capacities; KYLE FLEMMING, in || His Official and Individual || Capacities; and GORDON RHEA, ESQ., || In His Official and Individual || Capacities, || Defendants. || _____ || TO: Carlson Gray

Swafford, Pro Se

ORDER

THIS MATTER

comes before the Court on the “Motion to Seal IFP and Remote Participation Related Financial Records Pursuant to Local Rule and Common Law Right of Privacy” (“Motion to Seal”), filed on March 31, 2026 by Plaintiff Carlson Gray Swafford, 1 appearing pro se. Dkt. No. 24. Mr. Swafford asks the Court to seal his personal financial records that he submitted in connection with his In Forma Pauperis (“IFP”) Motions and Motion for Remote Participation filings (Dkt. No. 2, Dkt. No. 7-1 through 7-15, Dkt. No. 8, Dkt. Nos. 17-2 through 17-5, and exhibits filed in support of his Objection to Magistrate Judge’s Order Denying IFP Status, Dkt. Nos. 29-1 through 29-5. In the Motion to Seal, Mr. Swafford argues that the “common law right of access to judicial records

is not absolute,” and courts in the Third Circuit weigh the public’s interest in 1 Mr. Swafford has filed two Motions to Appear In Forma Pauperis, Dkt. Nos. 2, 7, that the Swafford v. Evangelista 1:25-cv-00038-RAM-EAH Order Page 2 access against a party’s interest in privacy. Dkt. No. 24 at 2. He posits that, when documents contain sensitive personal financial information submitted for a threshold procedural determination, rather than a substantive mer.i tIsd .adjudication, the privacy interest is at its highest and the public interest is at its lowest The documents he wishes to seal contain bank balances, credit card statements, mortgage records, a household budget, spousal income, familial loan information, education references, and a loIgd . of over 180 job applications—submitted solely to establish his eligibility for IFP status. D oMer v. S. wMaefgfolersds ,adds that “[c]ourts routinely seal IFP-related financial submissions,” citing 654 F.3d 404, 408 (3d Cir. 2011). He submits that his “detailed financial records” go “far beyond what any litigant would ordinarily place on a public docket,” and were “compelldle. d” by this Court’s “repeated demands for increasingly granular financial documentation.” Mr. Swafford adds that the documents, filed on the public docket, are accessible to anyone including the unserved Defendants, who could review his complete financial picture, employment history, job search strategy, and other matters, thereby obtaining information that ordinarily would be gleaned only Itdh.rough formal discovery subject to protective orders and reciprocal disclosure obligations. at 3. This “asymmetry” was created through the IFP process, and sealing the records would “restore the balance tIlhda. t would ordinarily exist prior to service of process or the commencement of discovery.” Mr. Swafford asserts that he does not seek to seal Court Orders or documents bearing on the merits of the underlying claims but only his rladw. financial records and personal data submitted in connection with the Swafford v. Evangelista 1:25-cv-00038-RAM-EAH Order Page 3

DISCUSSION

I. Legal Standards Federal Rule of Civil Procedure 5.2, entitled “Privacy Protection for Filings Made with the Court,” governs redaction and sealing. It provides, in pertinent part, that: Unless the court orders otherwise, in an electronic or paper filing with the court that contains an individual’s social-security number, taxpayer-identification number, or birth date, the name of an individual known to be a minor, or a financ ial-account number, a party or nonparty making the filing may include only:

- (1) The last four digits of the social-security number and taxpayer-identification number;
- (2) The year of the individual’s birth;
- (3)The minor’s initials; and
- (4)The last four digits of the financial-account number.

Fed. R. Civ. P. 5.2(a). Rule 5.2(d) provides that the court “may order that a filing be made under seal without redaction.” Rule 5.2(h) provides that “a person waives the protection of Rule 5.2(a) as to the person’s own information by filing it without redaction and not under seal.” Long-established case law emphasizes that “the public right of access Mtoin eju Sdaifceitayl

public and essential to the integrity of the judiciary.” *Bank of Am. Nat’l Tr. & Sav. Ass’n v. Hotel, 7R3it.t Fen. Shuopupse. 3Adss 5o4cs4., 557-58 (W.D. Pa. 2014) (citing , 800 F.2d 3 3Id9., 343 (3d Cir. 1986)).* The right is “pervasive” and “serves numerous salutary functions.” District courts must “be sensitive to the rights of the public in determining the propriety of sealing judicial records.” *Edxotrcuismioenn tT e. c. h. sis., Swafford v. Evangelista 1:25-cv-00038-RAM-EAH Order Page 4* court proceedings; it also encompasses the right of the public to inspect and copy judicial records.” . at 559 (citation modified). A party seeking to seal any part of a judicial record “bears the heavy burden of showing that the material is the kind of information that courts will protect and that disclosure will work a clearly defined and serious injury to the party seeking closure.” . (citation modified). In sum, there is a “strong presumption of openness” in such filings. at 558. Moreover, redactions are preferable to sealing. *See Htiarelm daonc uAmldeunbtis P broevcaiduesnet i&t hPaesn sleiosns oFfu annd si mLtpda. cvt. Toenv tah Peh oapremnsn. eInssd uosf .j Lutddi.c,ial proceedings. No. 20-cv-04660, 2023 WL 1100995, at *7 (E.D. Pa. Jan. 30, 2023) (finding that proposed redactions that are limited in scope are preferable to wholesale sealing). “Therefore, where possible, the court should order redactions, rather than placing a whole document under seal.” No. 21-cv-04823, 2021 WL 2375A8p9p2l,i acta *ti2o (nE .D. Pa. June 10, 2021).* The Court notes that Mr. Swafford’s initial IFP motion, Dkt. No. 2, contained a dearth of information concerning Mr. Swafford’s financial situation, which caused the Court to deny the motion without prejudice because it could not ascertain whether he qualified for IFP status, Dkt. No. 5. In his December 22, 2025 refiled IFP motion, Mr. Swafford filled out the IFP application more fully and submitted numerous supporting documents to support his application—including bank, credit card, and mortgage statements, a tax return, utility Swafford v. Evangelista 1:25-cv-00038-RAM-EAH Order Page 5 for jobs. Dkt. Nos. 7, 7-1 through 7-15. In the documents with sensitive information such as account or social security numbers, either the entity provided only a partial account number or Mr. Swafford appropriately redacted all or part of the account number or other personal identification numbers/information. These redactions complied with Rule 5.2, and the Court was able to make an assessment concerning whether he qualified for IFP status. As to the merits of *Bthae h rM vo. Mtioanri nto Seal*, “Courts typically treat IFP applications as matters of public record.” *a i v. ABDI , No. 23-cv-376, 2023 WL 3088296, at *1 (S.D. Cal. Mar. 28, 2023) (quoting Tater-Alexa, n.doe.r 1 v7. -Acvm-e1r9j4an1, 2018 WL 9781844, at *4 (W.D. Wash. Apr. 23, 2018)); , No. 1:08-cv-00372, 2008 WL 961234, at *2 (E.D. Cal. Apr. 4, 2008) (“An application to proceed [IFP] is not within the narrow range of matters, such as records of grand jury proceedings, traditionally sealed because of important policy reasons.”).* *Sampath 2 v. Concuthree nCto Turetc hfosu. Cnodr opnly one case in this Circuit that has addressed the issue. In ., No. 03-cv-264, 2008 WL 11511504 (W.D. Pa. May 14, 2008),* the district court considered a party’s motion to seal his IFP application. While that court had seen “a constant stream of applications for IFP status,” it

could not recall “ever ordering that a supporting affidavit be filed under seal or, indeed, having seen such an order.” at *1. In *2 Doe v. Megle*, Mr. Swafford’s statement that “courts routinely seal IFP-related financial submissions,” Dkt. No. 24 at 2, cites, 654 F.3d 404, 408 (3d Cir. 2011). In support, concerned the issue of whether a plaintiff could proceed under a pseudonym and required the litigant *Swafford v. Evangelista* 1:25-cv-00038-RAM-EAH Order Page 6 *Tater-Alexander* approvingly cited the reasoning in, 2008 WL 961234, at *1-3, which held that records concerning IFP applications “are judicial records subject to public access since IFP applications involve a statutorily based exercise of the judicial function and the public has an interest in the proper exercise of such function, and that there are no special indicia of privacy in the kinds of information disclosed in a typical IFP affidavit that would warrant filing the affidavit under seal.”, 2008 WL 1151504, at *1 (citation modified). The Court agrees with this reasoning. As the Court wrote in its Orders denying Mr. Swafford’s IFP application, *Swafford v. Evangelista*, “a plaintiff’s motion to proceed without paying fees is within a court’s discretion.”, 589 F. Appx 419, 429 (3d Cir. 2015). When exercising that discretion, a court “must be rigorous in determining that the treasury is not unduly imposed upon.” (citation modified).”, 1:25-cv-00038. (D.V.I. Mar. 11, 2026) (Dkt. No. 20). Thus, the public has a right to know that courts, acting in this circumstance as stewards of the public fisc, are exercising their discretion properly in either granting or denying persons the right of proceeding in forma pauperis. In such a situation, “the public right of access to judicial proceedings and records”—which is a paramount concern, 73 F. Supp. 3d at 557-58. Moreover, even if a case could be made that the information contained within IFP affidavits (and other documents cited in the motion) might be protected, Mr. Swafford has not shown that disclosure “would work a clearly defined and serious injury” against him. *Swafford v. Evangelista* 1:25-cv-00038-RAM-EAH Order Page 7. Id. allegations of harm, bereft of specific examples or articulated reasoning, are insufficient.” Here, Mr. Swafford has not carried his heavy burden to override the common law right of access. He provides no support for his statement that his financial records “go far beyond what any litigant would ordinarily place on the docket”; even so, this statement does not show that he suffered injury. His position that his financial records “create asymmetrical prejudice” such that the Defendants (who have not yet been served because his IFP status is not resolved) would gain some litigation advantage without having to obtain this information through discovery is merely a general concern and insufficient to show injury., 283 F.3d at 194. Courts have found that general concerns are insufficient to demonstrate good cause for sealing., No. 21-cv-00648, 2021 WL 5045069, at *1 (C.D. Cal. May 14, 2021) (denying request to seal IFP application where plaintiff claimed financial records were confidential and [he does] not want the public to see it”); No. 18-cv-06058, 2021 WL 1146277, at *1 (S.D.N.Y. Mar. 24, 2021) (“general concerns over disclosure of financial records are insufficient to show injury”).

insufficient to overcome the presumption of *peuxb plaicr taecess.*); , 149 F. Supp. 3d 99, 128 (D.D.C. 2015) (denying application to file affidavit in support of IFP status under seal where plaintiff made “unsupported assertion of an unqualified interest in privacy” and “general assertion that the affidavits might ‘disclose embarrassing and potentially Shaairmful information, such as an affiant's family situation, disability, [or] dependents’ ”); , 2018 WL 9781844, at *4 (denying motion to seal IFP application where *Swafford v. Evangelista* 1:25-cv-00038-RAM-EAH Order Page 8 plaintiff “vaguely objects to the possibility of some type of harm, and generally objects to the inclusion of information required by [thCeO INFCPL aUpSpIlOicNation] on the public record”). ORDERED DENIED. Accordingly, it is hereby that the Motion to Seal, Dkt. No. 24, is The Clerk of Court shall send a copy of this Order to Mr. Swafford by certified mail, return receipt requested. ENTER: Dated: April 16, 2026 /s/ Emile A. Henderson III
EMILE A. HENDERSON III
U.S. MAGISTRATE JUDGE