

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

**Naqibullah Nadeem Mohammadullah Khan v. United States of
America**

Mohammadullah Khan · No. 2:25-cv-1522-DC-CKD (PS) · Decided July 29, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 NAQIBULLAH NADEEM No. 2:25-cv-1522-DC-CKD (PS)
MOHAMMADULLAH KHAN, 12 Plaintiff, 13 ORDER v. 14 UNITED STATES OF AMERICA,
15 Defendants. 16 17 Plaintiff seeks relief under the Federal Tort Claims Act. (ECF No. 1.)

On June 6, 2025, 18 and on July 14, 2025, the undersigned denied plaintiff's motions to seal the
complaint, finding in 19 relevant part that plaintiff did not articulate a substantial probability that a
compelling interest 20 would be harmed in the absence of sealing. Plaintiff's further renewed
motion to seal is before the 21 court. (ECF No. 18.)

The court has also reviewed Exhibit A submitted in support of the renewed 22 motion to seal. 23
Plaintiff's Exhibit A submitted in support of the motion to compel is at most tangentially 24
related to the merits of this case, and the court finds good cause to seal Exhibit A. See *Center for*
25 *Auto Safety v. Chrysler Group, LLC*, 809 F.3d 1092, 1096 (9th Cir.

2016). On this point only, the 26 further renewed motion to seal will be granted. 27 Plaintiff's
concerns about the possibility of retaliation, previously threatened violence, and 28 loss of
property are compelling interests.

However, plaintiff has not made a particularized 1 | showing that specific prejudice or harm will
result if the complaint is not sealed. See *Phillips ex 2 || rel. Estates of Byrd v. Gen. Motors Corp.*,
307 F.3d 1206, 1210-11 (9th Cir. 2002); *Fed. R. Civ. 3 || P. 26(c)*.

The standard is a very difficult standard to meet. Although the court is sympathetic to 4 || plaintiffs
concerns, plaintiff has not articulated a factual basis showing a substantial probability 5 || that his
compelling interests would be harmed in the absence of sealing. See *Kamakana v. City & 6 || Cty.*
of Honolulu, 447 F.3d 1172, 1182 (9th Cir. 2006).

Thus, the further renewed request to seal 7 || the complaint does not meet the "compelling
reasons" threshold of supporting secrecy. See 8 || *Center for Auto Safety v. Chrysler Group, LLC*,
809 F.3d 1092, 1096 (9th Cir. 2016); *Oregonian 9 | Publishing Co. v. U.S. District Court for the*
District of Oregon, 920 F.2d 1462, 1466 (9th Cir. 10 | 1990). 11 Pursuant to the court's July 14,

2025 order (ECF No. 16), plaintiff has re-filed the 12 || complaint and its supporting documents with redactions made only as to individual's dates of 13 || birth and minor's names.

(ECF No. 17.) Accordingly, the unredacted complaint filed on June 2, 14 | 2025 (ECF No. 1) will now be sealed. 15 For the reasons set forth above, IT IS ORDERED as follows: 16 1. Plaintiff's renewed motion to seal (ECF No. 18) is GRANTED in PART, only to the 17 extent that Exhibit A to the motion shall be filed under seal; otherwise, the renewed 18 motion to seal (ECF No. 18) is DENIED.

19 2. Because plaintiff has filed the partially redacted complaint (ECF No. 17) pursuant to 20 the court's July 14, 2025 order, the unredacted complaint filed on June 2, 2025 (ECF 21 No. 1) shall be sealed. 22 | Dated: July 29, 2025 / □□ I / dle ae 8 CAROLYNK. DELANEY 24 UNITED STATES MAGISTRATE JUDGE 25 || 8, khan1522.seal.3 26 27 28