

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

IN RE: ALL CRIMINAL MATTERS ASSIGNED TO
DISTRICT JUDGE MARGARET I. STRICKLAND

STANDING ORDER REGARDING MOTIONS TO SEAL OR UNSEAL DOCUMENTS

The following guidance is provided to all parties moving to seal documents in criminal cases.¹ Proposed orders must also comply with these instructions.

First, in determining whether to seal or unseal documents, the district court must “apply the presumption that judicial records should be open to the public.” *United States v. Pickard*, 733 F.3d 1297, 1303 (10th Cir. 2013). This presumption is overcome only “where countervailing interests heavily outweigh the public interests in access to the judicial records.” *Id.* at 1302 (quotation omitted). Therefore, all motions to seal shall acknowledge the public’s interest in accessing court documents and describe how that interest is outweighed by the countervailing interests of the parties.


Second, the district court must “support its sealing decision with case-specific findings.” *United States v. Bacon*, 950 F.3d 1286, 1294 (10th Cir. 2020). To that end, all motions to seal must reference case-specific facts and must describe, with precision, the interests of the parties in sealing the document. *Id.* The parties are reminded that courts cannot justify sealing a document by endorsing “generalized governmental interests.” *Id.*

¹ These instructions apply with equal force to (1) motions to file documents under seal, (2) motions to seal documents already filed, and (3) motions to unseal documents that were previously filed under seal. Even if a document has been previously sealed, the court must consider the presumption of openness in determining whether it should be unsealed. *United States v. Bacon*, 950 F.3d 1286, 1295 (10th Cir. 2020).

at 1294 n.5 (quotation omitted). The Government's interests, like the Defendant's, must be analyzed in the context of the specific case. *Id.*

All motions to seal filed out of compliance with these instructions may be summarily denied.

IT IS SO ORDERED.



MARGARET STRICKLAND
UNITED STATES DISTRICT JUDGE