

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

CHRISTIAN F. MEISTER,

Plaintiff,

v.

Case No. 2:06-cv-444-FtM-34SPC

MIKE SCOTT, in his official capacity as Sheriff of Lee County, Florida; MIKE SCOTT, in his individual capacity as Sheriff of Lee County, Florida; DON HUNTER, in his official capacity as Sheriff of Collier County, Florida; J.J. CARROLL, RICHARD SNYDER, RYAN JUSTHAM, STEPHAN PIERCE, GENE SIMS, PEDRO J. SOTO, MIKE JOHNSTON, each of the foregoing, jointly and severally,

Defendants.

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**ORDER**

**THIS CAUSE** is before the Court sua sponte. On June 20, 2008, Plaintiff filed Plaintiff's Motion for Review of Magistrate's Order Re (1) Opposed Plaintiff's Motion to Stay this Litigation for a Period of Six Months, as herein specified, (2) Opposed Plaintiff's Motion for an Enlargement of Time, as herein specified, (3) Plaintiff's Motion to Appoint an Attorney, as herein specified, (4) Opposed Plaintiff's Motion to Order All Defendants to Release Any and All Deposition Transcripts at No Charge to the Plaintiff, as herein specified (Doc. No. 178; Motion). Plaintiff submitted an attachment to the Motion which contains the instruction: "This Record to be Sealed—Not for Public View." See Motion at 18. Consequently, out of an abundance of caution, the Clerk of the Court placed the attachment under seal. However,

Plaintiff has not filed a motion to file documents under seal and there does not appear to be any basis for filing this document under seal.

Filings under seal are distinctly disfavored by the courts. See Brown v. Advantage Eng'g, Inc., 960 F.2d 1013, 1015-16 (11th Cir. 1992) (recognizing that “absent exceptional circumstances, trials are public proceedings”). The United States Supreme Court has specifically recognized a common law right of access to judicial proceedings, which includes the right to inspect and copy public records and documents. See Nixon v. Warner Comm., Inc., 435 U.S. 589, 597 (1978). While this right is not absolute, where a district court attempts to deny access, “it must be shown that the denial is necessitated by a compelling governmental interest and is narrowly tailored to that interest.” Wilson v. American Motors Corp., 759 F.2d 1568, 1571 (quoting Globe Newspaper Co. v. Superior Court, 457 U.S. 596, 606-607 (1982)). In addition, when a court enters an order denying access to court documents, its decision must be “sufficient for a reviewing court to be able to determine, in conjunction with a review of the sealed documents themselves, what important interest or interests the district court found sufficiently compelling to justify the denial of public access.” United States v. Kooistra, 796 F.2d 1390, 1391 (11th Cir. 1986). The Local Rules of this Court also recognize the high bar that must be satisfied in order to seal documents, and Local Rule 1.09 set forth the procedure that must be followed by a party wishing to obtain permission to file a document under seal.

Plaintiff has failed to file a properly supported motion in accordance with the Local Rules or show any legal basis for filing the instant document under seal. Accordingly, the Clerk of the Court will be directed to return the document submitted for filing under seal to

Plaintiff. If, in the future, Plaintiff wishes to file this or other documents under seal, he must file an appropriate motion in compliance with the requirements of the United States Supreme Court and the Eleventh Circuit authority cited herein as well as the Local Rules. Accordingly, it is hereby

**ORDERED:**

The Clerk of the Court is directed to return to Plaintiff via United States Mail the document submitted on June 20, 2008, for filing under seal.

**DONE AND ORDERED** in Chambers, this 17th day of July, 2008.

  
MARCIA MORALES HOWARD  
United States District Judge

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Copies to:  
Counsel of Record  
Pro Se Plaintiff