

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

Y.G.H.,  
Petitioner,  
v.  
DONALD J. TRUMP, et al.,  
Respondents.

No. 1:25-CV-00435-KES-SKO

**ORDER VACATING PREVIOUS ORDER  
AND UNSEALING DOCUMENTS**

Docs. 42, 43

On May 16, 2025, the Government filed a notice of request to seal the declaration it submitted in response to the Court’s May 7, 2025 minute order, Doc. 30. On May 19, 2025, the Court ordered the declaration and the government’s request sealed. *See* Docs. 41–43. That same day, the Court issued a minute order setting deadlines for petitioner to file an opposition to the Government’s request to seal and for the Government to file a reply. Doc. 44. The Court has considered the opposition petitioner has submitted and the Government’s reply. For the reasons set forth below, the Court vacates its initial order sealing documents and directs the Clerk of the Court to unseal the documents filed at docket entries 42 and 43. *See City of Los Angeles, Harbor Div. v. Santa Monica Baykeeper*, 254 F.3d 882, 885 (9th Cir. 2001) (“As long as a district court has jurisdiction over the case, then it possesses the inherent procedural power to reconsider, rescind, or modify an interlocutory order for cause seen by it to be sufficient.”) (quoting

1 *Melancon v. Texaco, Inc.*, 659 F.2d 551, 553 (5th Cir. 1981)). The Clerk is also directed to file  
2 petitioner's opposition and the Government's reply on the docket.

3 "It is clear that the courts of this country recognize a general right to inspect and copy  
4 public records and documents, including judicial records and documents." *Nixon v. Warner*  
5 *Commnc 'ns, Inc.*, 435 U.S. 589, 597 (1978). The Ninth Circuit has interpreted this recognition to  
6 establish a "strong presumption in favor of access to court records." *Ctr. for Auto Safety v.*  
7 *Chrysler Grp.*, 809 F.3d 1092, 1096 (9th Cir. 2016) (quoting *Foltz v. State Farm Mut. Auto. Ins.*  
8 *Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003)). The presumption of access is "based on the need for  
9 federal courts, although independent—indeed, particularly because they are independent—to have  
10 a measure of accountability and for the public to have confidence in the administration of  
11 justice." *Id.* (quoting *United States v. Amodeo (Amodeo II)*, 71 F.3d 1044, 1048 (2d Cir. 1995)).

12 Accordingly, "[a] party seeking to seal a judicial record [] bears the burden of overcoming  
13 this strong presumption by meeting the 'compelling reasons' standard." *Kamakana v. City &*  
14 *County of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006). The compelling reasons standard  
15 demands that "[a] court may seal records only when it finds 'a compelling reason and articulate[s]  
16 the factual basis for its ruling, without relying on hypothesis or conjecture.' The court must then  
17 'conscientiously balance[] the competing interests of the public and the party who seeks to keep  
18 judicial records secret.'" *Chrysler Grp.*, 809 F.3d at 1097–98 (citing *Kamakana*, F.3d at 1179).

19 The compelling reason standard applies to attachments to both dispositive motions and to  
20 non-dispositive motions that are "more than tangentially related to the merits of a case." *Id.* at  
21 1101. Here, the Government moves to seal a declaration in support of its motion to dismiss  
22 petitioner's habeas corpus petition for lack of jurisdiction. The declaration sets forth the  
23 circumstances surrounding petitioner's transfer from California to Texas, and it is relevant to the  
24 issue of whether this Court has habeas jurisdiction over the petition. The declaration directly  
25 pertains to the Government's motion to dismiss. As the motion to dismiss is a dispositive motion  
26 and the declaration "more than tangentially relate[s] to the merits of a case," *Chrysler Grp.*, 809  
27 F.3d at 1101, the compelling reasons standard applies.

1 The Government argues that the declaration contains “law enforcement sensitive”  
 2 information whose release could “compromise law enforcement activities as it discloses  
 3 information related to an operation involving a Foreign Terrorist Organization.” Doc. 42 at 2.  
 4 The Government’s reply acknowledges that a sealing request must be “narrowly tailored” and  
 5 must undertake a “line-by-line balancing” of the interest in non-disclosure versus the right of  
 6 public access, but the Government’s request is not narrowly tailored and it fails to point to any  
 7 specific statement in the declaration that contains sensitive information. Rather, the Government  
 8 seeks a wholesale sealing of the declaration, much of which consists of information previously  
 9 included in the Government’s non-sealed motion to dismiss and supporting reply. *See generally*  
 10 Docs. 16, 24. “Simply mentioning a general category of privilege, without any further  
 11 elaboration or any specific linkage with the documents, does not satisfy the [compelling reasons  
 12 standard].” *Kamakana*, 447 F.3d at 1184.

13 Nor is it clear that the declaration sets out any such sensitive information. The  
 14 Government has already publicly disclosed that it has transferred suspected members of Tren de  
 15 Aragua to the Bluebonnet Detention Facility. *See, e.g.*, Supplemental Memorandum Regarding  
 16 Emergency Application, *A.A.R.P. v. Trump*, 605 U.S. \_\_\_\_ (No. 24A1007), 2025 WL 1413851, at  
 17 \*10.<sup>1</sup> The Government has also already publicly alleged that petitioner is associated with Tren  
 18 de Aragua, posting images on X in March 2025 of petitioner’s photograph with “Tren de Aragua”  
 19 and “TdA arrest” superimposed. Doc. 20-1 ¶ 8. The Government has failed to establish that the  
 20 declaration contains non-public law enforcement sensitive information or established any  
 21 compelling reasons for its continued sealing.

22 The Government has not set forth a compelling reason to overcome the “strong  
 23 presumption in favor of access to court records.” *Chrysler Grp.*, 809 F.3d at 1096.

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26 <sup>1</sup> *See also DHS Files Emergency SCOTUS Request for Immediate Deportations After 23 Tren de*  
 27 *Aragua Members Barricade Themselves, Threaten to Take Hostages and Harm ICE Agents,*  
 28 *Department of Homeland Security* (May 13, 2025), <https://www.dhs.gov/news/2025/05/13/dhs-files-emergency-scotus-request-immediate-deportations>.

1 Accordingly:

- 2 1) The Court's initial sealing order, Doc. 41, is VACATED;
- 3 2) The Clerk of the Court is DIRECTED to unseal docket entries 42 and 43.
- 4 3) The Clerk of the Court is DIRECTED to docket petitioner's opposition to the request
- 5 to seal and the Government's reply.
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8 IT IS SO ORDERED.

9 Dated: May 27, 2025

  
UNITED STATES DISTRICT JUDGE