

FILED
in the Middle District of
North Carolina
August 12, 2020
1:44 pm
Clerk, US District Court
By: JSB

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

IN RE:)
)
SEALING OF MEDICAL RECORDS) **STANDING ORDER 17**
RELATED TO COMPASSIONATE)
RELEASE MOTIONS)

In consideration of the presence of the COVID-19 virus within the federal prison system, the Court establishes the following procedures for the handling of medical records filed in support of or opposition to a motion for compassionate release under the First Step Act as codified in 18 U.S.C. § 3582(c)(1)(A).

The court finds as follows: Medical records contain information that is ordinarily confidential and private, not subject to public disclosure, and protected by federal and state laws. Movants for compassionate release are often appearing *pro se* and are untrained in the law. They frequently file medical records in support of their request, even though often only some of the records are relevant to the motion, and the Government often will file medical records in response to such motions. Medical records almost always contain personal identifiers, such as dates of birth and social security numbers, as well as information about unrelated medical and personal issues that is confidential and protected from disclosure. *Pro se* litigants are unschooled in technical requirements for motions to seal. Thus, the filing of medical records under seal, subject to further review, will appropriately protect the privacy rights and personal information of the movants while the motion remains pending before the court.

IT IS THEREFORE ORDERED as follows:

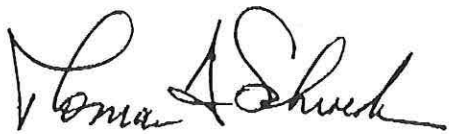
1. Medical records filed in support of or in opposition to a motion for compassionate release be filed under seal in their entirety, subject to review and possible order of the presiding judge to subsequently file a redacted public version of the medical records.

2. Medical records related to a compassionate release motion submitted to the Clerk's Office by a *pro se* filer shall be docketed as a sealed record regardless of whether such document is marked as sealed.

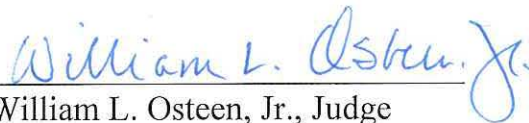
3. The Clerk's Office shall provide electronic access in CM/ECF to records sealed pursuant to this standing order to the Federal Public Defender, the U.S. Attorney and any other counsel of record.

4. The Probation Office is authorized to disclose to the Federal Public Defender, U.S. Attorney and any other counsel of record the presentence investigation reports, statements of reasons, judgments, and any material it might have related to the inmate's medical condition, prognosis or treatment, as well as any factor relevant to the pending motion for compassionate release. Such material shall be used only for the purposes of determining eligibility for compassionate release and a possible release plan, and not for any other purpose.

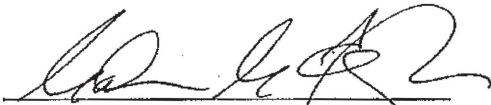
This the 12th day of August, 2020.




Thomas D. Schroeder, Chief Judge
United States District Court



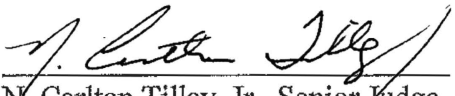
William L. Osteen, Jr., Judge
United States District Court



Catherine C. Eagles, Judge
United States District Court



Loretta C. Biggs, Judge
United States District Court



N. Carlton Tilley, Jr., Senior Judge
United States District Court