

UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT
QUICK REFERENCE GUIDE | SEALING AND REDACTION

Sealing in general. Tenth Circuit Rule 25.6 sets forth the requirements for sealing materials in this court.

- Scrupulous compliance with Rule 25.6 is a prerequisite to the court’s consideration of a sealing request.
- Redaction is preferable to filing an entire document under seal. Unless redaction is impracticable, the party seeking to protect sensitive information shall publicly file a redacted version of the document concurrently with a motion to seal the unredacted version of the document.
- Redaction of sensitive/private information in appeals before this court is governed by Federal Rule of Appellate Procedure 25(a)(5), Tenth Circuit Rule 25.5, and the rules referenced therein.
- Any party who seeks to file any document under seal in this court must overcome a presumption in favor of access to judicial records. *See Eugene S. v. Horizon Blue Cross Blue Shield of New Jersey*, 663 F.3d 1124, 1135 (10th Cir. 2011). The presumption in favor of access to judicial records may be overcome only where “countervailing interests heavily outweigh the public interests in access.” *Mann v. Boatright*, 477 F.3d 1140, 1149 (10th Cir. 2007) (internal quotation marks omitted).
- This court is not bound by a district court’s decision to seal documents below. *Williams v. FedEx Corporate Services*, 849 F.3d 889, 905 (10th Cir. 2017) (citing *Colony Ins. Co. v. Burke*, 698 F.3d 1222, 1241 (10th Cir. 2012)). A motion to seal stating only that the materials at issue were sealed in the underlying district court proceedings is insufficient.
- Sealing requests must be narrowly-tailored to documents (or parts of documents) containing sensitive information identified with specificity. *See Williams*, 849 F.3d at 905. The court routinely denies overbroad sealing requests. *See id.*

Sealed record materials are addressed in Tenth Circuit Rule 11.3.

Sealed materials in an electronic appendix are governed by Tenth Circuit Rule 30.1(D)(6). Sealed appendix materials must be segregated in a separate sealed volume even when doing so separates documents filed together (e.g., exhibits to a motion) in the district court.

The court’s [Transcript Access Policy](#) governs access to transcripts contained in records on appeal.

The following resources for dealing with sealed materials in CM/ECF can be found [here](#).

- Dealing With Sealed Materials in ECF
- CM/ECF Attorney FAQ (Paragraph 13)
- CM/ECF User’s Manual
 - Section II.H – Filing Sealed Documents (Including Filing a Motion to Seal)
 - Section II.L – Public Access, Privacy Protection and Redactions (Access to Sealed Cases, Sealed Filings, Immigration Cases, and Social Security Cases)
 - Section III.F – Sealed Briefs
 - Section III.G – Appendices
 - Section III.I – Sealed Materials Other Than Briefs
 - Section V – Other Hints and Tips: Things Every ECF Filer Will Want to Know