

1991 WL 321057
United States Court of Appeals, Ninth Circuit.

OREGONIAN PUBLISHING COMPANY,
Petitioner,
v.
UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF OREGON, Respondent,
and
UNITED STATES of America, et al., Real Parties
in Interest.

Nos. 91-70622, CV-86-961-MA. | Dec. 5, 1991.

Before POOLE, WILLIAM A. NORRIS and TROTT,
Circuit Judges.

Opinion

ORDER

*1 The Supreme Court has articulated three factors which must be met in determining whether court proceedings and documents may be closed to the public without violating the first amendment: (1) closure serves a

compelling interest; (2) there is a substantial probability that in the absence of closure, this compelling interest would be harmed; and (3) there are no alternatives to closure that would adequately protect the compelling interest. *Oregonian Publishing Co. v. U.S. Dist. Court*, 920 F.2d 1462, 1466 (9th Cir.1990), citing *Press-Enterprise Co. v. Superior Court*, 478 U.S. 1, 13-14 (1986) (*Press-Enterprise II*).

Here, the district court did not clearly err in applying these factors in the underlying action. Specifically, the district court's decision to unseal and release the documents to the public with the limited redaction of the residents' names and cottage assignments is a reasonable alternative to closure which will protect both the interest of the residents in returning to the community, and the First Amendment rights of petitioner. *See Oregonian Pub.*, 920 F.2d at 1467 & n. 1. Accordingly, we deny the petition for a writ of mandamus.

Parallel Citations

19 Media L. Rep. 1704