

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

UNITED STATES OF AMERICA)	
)	
)	
)	
v.)	CRIMINAL No. 2:03-CR-52-DBH
)	
LARRY McCOLLUM,)	
)	
DEFENDANT)	

**ORDER ON DEFENDANT’S MOTION TO SEAL AND
REMOVE PUBLISHED OPINIONS**

The defendant Larry McCoullum has filed two pro se motions. One requests that this court “seal all entr[ies] and entit[ies] regarding [McCoullum’s] case, direct appeals, 2255 post conviction motions, every entry.” Def.’s Mot. to Seal at 3 (ECF No. 101). The other, Defendant’s Motion to Remove Published Opinions (ECF No. 102), seeks removal of three published opinions in McCoullum’s case, see United States v. McCoullum, 2012 U.S. Dist. LEXIS 96643 (D. Me. July 12, 2012); 530 F. Supp. 2d 355 (D. Me. Jan. 11, 2008); 2007 U.S. Dist. LEXIS 85987 (D. Me. Nov. 15, 2007).

In 2008, I granted the government’s motion to seal certain matters. See Government’s Mot. to Seal (ECF No. 88); Order Granting Mot. to Seal (ECF No. 89). That order remains in place. But McCoullum now claims that other prisoners have viewed the three opinions cited above, that “this shouldn[’]t have never been possible, as [his] case was ordered sealed, almost over 5 years ago,” Def.’s Mot. to Seal at 2, and that “it was to [his] understanding that every

opinion or filing in regards to [him] was to be ‘non-published’ as [his] case is sealed,” Def.’s Mot. to Remove Published Opinions at 6.

However, as is standard practice in this District, the 2008 sealing order only extended to those docket entries related to the filings specifically enumerated in the government’s motion. It did not extend to judicial opinions or open court hearings. To the extent that McCoullum now moves for a further extension of the earlier sealing order, I **DENY** his motion. Such a far-reaching order would contravene the long-recognized public interest in the accurate reporting and dissemination of judicial decisions. See, e.g., Cox Broad. Corp. v. Cohn, 420 U.S. 469, 492 (1975) (“The special protected nature of accurate reports of judicial proceedings has repeatedly been recognized.”); Hicklin Eng’g, L.C. v. Bartell, 439 F.3d 346, 348 (7th Cir. 2006) (“What happens in the federal courts is presumptively open to public scrutiny. Judges deliberate in private but issue public decisions after public arguments based on public records. . . . Any step that withdraws an element of the judicial process from public view makes the ensuing decision look more like fiat and requires rigorous justification.”); Lowenschuss v. West Pub. Co., 542 F.2d 180, 185 (3d Cir. 1976) (“As ours is a common-law system based on the ‘directive force’ of precedents, its effective and efficient functioning demands wide dissemination of judicial decisions.”).

I **GRANT** McCoullum’s motion to seal his latest motion on the same basis that I granted earlier motions to seal. But I **DENY** his motions to seal all docket entries in his case and to remove all published opinions from the Bureau of Prisons Legal Law Library Computer System.

SO ORDERED.

DATED THIS 18TH DAY OF JULY, 2013

/s/D. BROCK HORNBY
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE

**U.S. DISTRICT COURT
DISTRICT OF MAINE (PORTLAND)
CRIMINAL DOCKET FOR CASE #: 2:03-CR-52-DBH**

United States of America

represented by Margaret D. McGaughey
Office of the U.S. Attorney
District Of Maine
100 Middle Street Plaza
Portland, ME 04101
(207) 780-3257
email:
margaret.mcgaughey@usdoj.com

v.

Larry McCoullum,

Defendant

Represented By Larry McCoullum, Pro Se
#04336-036
U.S.P. Florence
P.O. Box 7000
Florence, CO 81226-7000