

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

ELVIS HESTER,)	
)	
PLAINTIFF,)	
)	
)	
)	
)	
v.)	
)	
SHELBY COUNTY, TENNESSEE, a)	Case No. 2:21-cv-02030-JTF-atc
Tennessee municipality; STEVON JONES,)	
in his individual capacity; DAMIAN)	
COOPER, in his individual capacity;)	
JAMES PERRY, in his individual capacity;)	
and STEVELAND FREEMAN, in his)	
individual capacity,)	
)	
DEFENDANTS.)	

ORDER GRANTING MOTION TO ACCESS FILED VIDEOS

Before the Court is *The Daily Memphian’s* Motion Requesting Copies of Filed Videos, filed on January 5, 2024. (ECF No. 139.) Neither party filed a response. For the following reasons, the Court finds that the Motion is well-taken and it should be **GRANTED**.

This action arose out of Plaintiff’s allegations that he was subjected to multiple civil rights violations at the hands of Shelby County Sheriff’s Office correctional officers while he was incarcerated at 201 Poplar Ave., Memphis, Tennessee. (ECF No. 1.) Subsequently, Plaintiff filed his First Amended Complaint on August 4, 2021, asserting several causes of action against Defendants under 42 U.S.C. § 1983. (ECF No. 35.) Thereafter, Plaintiff filed a Motion to File

Exhibits A, C, and E to Plaintiff's First Amended Complaint via Thumb Drive, (ECF No. 38), which this Court granted. (ECF No. 38.) Eventually, the parties settled this matter, (ECF No. 136), and this Court entered an Order of Dismissal without Prejudice on March 31, 2023. (ECF No. 137.) *The Daily Memphian* filed the instant Motion requesting copies of the filed videos on the thumb drive. (ECF No. 139.)

Generally, the decision as to the common law right to inspect judicial records is left to the sound discretion of the trial court, given its "supervisory power over its own records and files." *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978). Courts have long recognized a "strong presumption in favor of openness" to access to court records. *Shane Grp., Inc. v. Blue Cross Blue Shield of Michigan*, 825 F.3d 299, 305 (6th Cir. 2016). The party seeking to seal court records bears the burden of overcoming this presumption, which can only be overcome by a compelling justification. *Id.*; *see also Brown & Williamson Tobacco Corp. v. F.T.C.*, 710 F.2d 1165, 1179 (6th Cir. 1983).

Here, no party has filed a response opposing *The Daily Memphian's* Motion, nor has either party sought to seal records in this matter. Given the strong presumption in favor of access to court records, *The Daily Memphian's* Motion is **GRANTED**.

Accordingly, the Clerk's Office shall provide *The Daily Memphian* access to Exhibits A, C, and E of the Amended Complaint.

IT IS SO ORDERED this 2nd day of February, 2024.

s/John T. Fowlkes, Jr.
JOHN T. FOWLKES, JR.
UNITED STATES DISTRICT JUDGE