

ROBERT BRIAN BLACK 7659
BENJAMIN M. CREPS 9959
DÉVI DIANA STONE CHUNG 12173
Public First Law Center
700 Bishop Street, Suite 1701
Honolulu, Hawai‘i 96813
brian@publicfirstlaw.org
ben@publicfirstlaw.org
Telephone: (808) 531-4000

Attorneys for Public First Law Center

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

IN RE: PUBLIC FIRST LAW
CENTER

MISC. NO. 26-250 JMS-KJM
[CR. NO. 22-CR-93-JMS]

POSITION STATEMENT
CONCERNING GOVERNMENT’S
MOTION TO SEAL AND FILE EX
PARTE UNITED STATES OF
AMERICA’S OPPOSITION TO
MOTION TO UNSEAL
SENTENCING RECORDS [DKT. 9]
AND JAMEY DENISE JACKSON’S
MOTION FOR LEAVE TO FILE
MATERIALS UNDER SEAL [DKT.
11]

**POSITION STATEMENT CONCERNING GOVERNMENT’S MOTION TO
SEAL AND FILE EX PARTE UNITED STATES OF AMERICA’S
OPPOSITION TO MOTION TO UNSEAL SENTENCING RECORDS
[DKT. 9] AND JAMEY DENISE JACKSON’S MOTION FOR LEAVE TO
FILE MATERIALS UNDER SEAL [DKT. 11]**

Public First Law Center (Public First) does not oppose temporary sealing for
the Government’s and Defendant Jamey Denise Jackson’s unredacted oppositions

to Public First's motion to seal to the extent those documents are redacted to preserve the content of sealed filings prior to resolution of the motion to unseal.¹ But Public First notes that the Government's and Ms. Jackson's motions do not comply with Local Rule 5.2, and the proposed orders are constitutionally deficient and should not be executed in current form. Public First respectfully requests that the Court reject the motions to seal without prejudice to refiling in a form compliant with the Local Rule and constitutional standards.

Local Rule 5.2(c) requires that a motion to seal "specify the applicable standard for sealing the information and discuss how that standard has been met." Neither the Government nor Ms. Jackson explain that the First Amendment standard applies to filings in connection with motions to seal or unseal.

The public has a qualified right to access . . . the government's motion to seal and the memoranda supporting it This qualified right can be overcome if (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.

In re Copley Press, Inc., 518 F.3d 1022, 1028 (9th Cir. 2008) (citations and internal quotations omitted).

When the constitutional right of access applies, the court "must make specific factual findings" that address each element of the constitutional standard.

¹ If the Court grants Public First's motion to unseal, the oppositions should be unsealed to a similar extent.

Oregonian Publ'g Co. v. U.S. Dist. Ct., 920 F.2d 1462, 1466 (9th Cir. 1990). Both the Government's and Ms. Jackson's proposed orders simply recite "good cause"—which is not the correct standard—without any factual findings.

Public First respectfully requests that the Court deny the motions to seal [Dkt. 9 and 11] without prejudice to refiling in a form compliant with the Local Rule and constitutional standards.

DATED: Honolulu, Hawai'i, August 13, 2026

/s/ Robert Brian Black
ROBERT BRIAN BLACK
BENJAMIN M. CREPS
DÉVI DIANA STONE CHUNG
Public First Law Center
700 Bishop Street, Suite 1701
Honolulu, Hawai'i 96813
Tel. (808) 531-4000
brian@publicfirstlaw.org
ben@publicfirstlaw.org

Attorneys for Public First Law Center