

No. 15-4199

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**FILED**
May 09, 2016
DEBORAH S. HUNT, Clerk

In re: ERIC R. RAMEY,

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Petitioner.

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O R D E R

Before: BOGGS and KETHLEDGE, Circuit Judges; HOOD, District Judge.*

Eric Ramey petitions for a writ of mandamus and moves to proceed *in forma pauperis*. He asks that the district court judge be ordered to recuse himself in *United States v. Ramey*, No. 5:15-cr-234 (N.D. Ohio). The district court responds. The exhibits attached to the mandamus petition are filed under seal in the district court, and Ramey moves to file his petition and exhibits under seal in this court.

We may consider a petition for mandamus following a district court judge's refusal to recuse himself under circumstances involving an alleged conflict of interest and/or an appearance of impropriety. *In re Aetna Cas. & Sur. Co.*, 919 F.2d 1136, 1143 (6th Cir. 1990) (en banc); *see Houston v. Logan*, 674 F.3d 613, 613–14 (6th Cir. 2012) (per curiam). Upon consideration, we conclude that mandamus relief is warranted in this case.

Documents filed under seal in the district court may continue to be filed under seal in this court, but the district court's discretion to deny access to documents "is circumscribed by a long-established legal tradition." *Brown & Williamson Tobacco Corp. v. FTC*, 710 F.2d 1165, 1177

* The Honorable Joseph M. Hood, United States District Judge for the Eastern District of Kentucky, sitting by designation.

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(6th Cir. 1983). “This long-established legal tradition is the presumptive right of the public to inspect and copy judicial documents and files.” *In re Knoxville News-Sentinel Co., Inc.*, 723 F.2d 470, 474 (6th Cir. 1983). There are “several distinct but limited common law exceptions to the strong presumption in favor of openness.” *Brown & Williamson*, 710 F.2d at 1179. But in this case, the “content-based exceptions to the right of access . . . developed to protect competing interests,” are not implicated. *Id.*

The petition for a writ of mandamus is **GRANTED**. The motion to proceed *in forma pauperis* is **GRANTED**. The motion to seal the mandamus petition and exhibits is **DENIED**.

ENTERED BY ORDER OF THE COURT



Deborah S. Hunt, Clerk