

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ADHAM AMIN HASSOUN,

Petitioner,

Case # 1:19-cv-00370-EAW

v.

JEFFREY SEARLS, in his official capacity
As Acting Assistant Field Office Director and
Administrator, Buffalo Federal Detention
Center,

Respondent.

DECLARATION

Pursuant to the provision of 28 U.S.C. § 1746, I, **STEVEN A. PLATT**, hereby declare and state as follows:

1. I am Counsel for National Security in the District Court Section, Office of Immigration Litigation, Civil Division, U.S. Department of Justice, and lead counsel for the Respondent in the above-captioned action. As such, I am familiar with the facts, background, and circumstance of this action.

2. On April 2, 2020, Petitioner moved this Court for an order directing Respondent to transfer him to home confinement (ECF No. 122). Respondent opposes the request, and therefore today filed his opposition brief with supporting declarations, including one from Captain Abelardo Montalvo, M.D., Eastern Regional Clinical Director, ICE Health Service Corps, and one from Michael H. Glasheen, Section Chief of the International Terrorism Operations Section I within the Federal Bureau of Investigation (ECF No. 140).

4. I submit this declaration in support of Respondent's request to seal Captain Montalvo's and Mr. Glasheen's declarations. *See Lugsch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 120 (2d Cir. 2006) (“[D]ocuments may be sealed if specific, on the record findings are made demonstrating that closure is essential to preserve high value and is narrowly tailored to serve that interest.”).

5. Regarding the Montalvo Declaration, “this Court and other district courts routinely file medical records under seal . . . to protect plaintiff's privacy interests in his medical records.” *Wheeler-Whichard v. Doe*, No. 10-cv-0358, 2010 WL 3395288, at *7 (W.D.N.Y. Aug. 25, 2010). Captain Montalvo's declaration discusses Petitioner's health, including his ailments, medications, and weight. Respondent tightly safeguards detainees' medical history. While this information is necessary for the Court to determine the reasonableness of Petitioner's continued detention at the Buffalo Federal Detention Facility and adjudicate Petitioner's motion, this sensitive medical information need not be on the public docket.

6. Regarding the Glasheen Declaration, “[t]he danger of impairing law enforcement” is among the important interests that weigh in favor limiting access to a document. *See Lugsch*, 435 F.3d at 120. The Glasheen Declaration references, and includes as exhibits, letterhead memoranda issued by the Director of the FBI and the Deputy Director of the FBI. The Court has previously ordered the FBI Director's memorandum to be sealed, finding the memorandum to meet the *Lugsch* standard of threatening to impair law enforcement. Order (ECF No. 19). Although the Court has previously suggested it might unseal that memorandum, *see* Order at 1-2 (ECF No. 71); Tr. of Jan. 17, 2020 Hr'g at 32:22-25, 33:2-8 (ECF No. 74), at present, the memorandum remains sealed (ECF No.

21). Accordingly, to ensure consistent treatment of these memoranda, Respondent is moving to seal the Glasheen Declaration.

7. **WHEREFORE**, Respondent respectfully requests an Order permitting Respondent to file the Montalvo and Glasheen Declarations under seal.

/s/ Steven A. Platt
STEVEN A. PLATT
Counsel for National Security
District Court Section
Office of Immigration Litigation
Civil Division
U.S. Department of Justice