

**9-114. Order on motion to unseal court records.**

[For use with Magistrate Court Rule 6-114 NMRA, Metropolitan Court Rule 7-113 NMRA, and Municipal Court Rule 8-112 NMRA]

STATE OF NEW MEXICO  
[COUNTY OF \_\_\_\_\_]  
[CITY OF \_\_\_\_\_]  
\_\_\_\_\_ COURT

No. \_\_\_\_\_

[STATE OF NEW MEXICO]  
[COUNTY OF \_\_\_\_\_]  
[CITY OF \_\_\_\_\_]

v.

\_\_\_\_\_, Defendant

**ORDER ON MOTION TO UNSEAL COURT RECORDS**

THIS MATTER having come before the Court upon a motion to unseal court records, and the Court being otherwise fully advised, FINDS:

That the motion is well-taken and is GRANTED because:

1. There is no longer an overriding interest that overcomes the right of public access to the court record or supports sealing the court record;
2. There is no interest that will be prejudiced if the court record is no longer sealed;
3. The current sealing is no longer narrowly tailored; and
4. There are less restrictive means to achieve the overriding interest that prompted the original order to seal.
- 5.

\_\_\_\_\_

\_\_\_\_\_

*(Insert detailed facts that support each finding above. Note: This paragraph will not need to be sealed from public access. Delete these instructions in the final order.)*

That the motion is not well-taken and is DENIED because:

1. There continues to exist an overriding interest that overcomes the right of public access to the court record and supports the continued sealing of the court record;
2. There is a substantial probability that the overriding interest will be prejudiced if the court record does not remain sealed;
3. The existing sealing is narrowly tailored; and
4. There are no less restrictive means to achieve the overriding interest.

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*(Insert detailed facts that support each finding above. Note: This paragraph will need to be sealed from public access as it may reveal too much about what is being sealed. Delete these instructions in the final order.)*

IT IS THEREFORE ORDERED THAT the motion to unseal is DENIED and the court clerk is instructed that all court records previously sealed by order of this court are to remain sealed.

*(Complete the following only if motion is GRANTED.)*

IT IS THEREFORE ORDERED THAT:

The following court records are unsealed and are now available for public access:

- Motion to seal
- Brief in support of motion to seal
- Response to motion to seal
- Reply to response to motion to seal
- Lodged pleading named \_\_\_\_\_ *(List specific pleading or portions of pleadings that are to be unsealed.)*
- Individual docket entries for each of the court records unsealed above shall also be unsealed and shall be titled as they would have been if they had not been sealed.
- Register of actions
- All records
- \_\_\_\_\_ *(other)*

The court records that are hereby unsealed as set forth above are subject to public access.

This order shall remain in effect until \_\_\_\_\_ *(date)* or until further order of the court.

Notice will be given to the following upon any future motions to seal this order or to modify this unsealing order:

Name and address of Prosecutor:

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Name and address of Defendant:

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Name and address of non-party entitled to notice:

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Name and address of non-party entitled to notice:

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*[Email addresses should also be provided above, if available. Service by email is limited under Rules 6-211, 7-211, and 8-210 NMRA.]*

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Judge

[Adopted by Supreme Court Order No. 13-8300-035, effective for all cases pending or filed on or after December 31, 2013.]