

# **United States District Court Western District of Arkansas**



## **Administrative Policies and Procedures Manual for Civil and Criminal Filings**

**August 2018**

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The *Administrative Policies and Procedures Manual for Civil and Criminal Filings* for the Western District of Arkansas is adopted pursuant to [Federal Rule of Civil Procedure 5](#), [Federal Rule of Criminal Procedure 49](#), and [Local Rules for the Eastern and Western Districts of Arkansas 5.1 and 5.2](#).

Implementation of this Plan abrogates General Orders 36 and 37, dated August 15, 2005. The Court may amend these procedures at any time without prior notice.

## **I. ELECTRONIC FILING SYSTEM**

The Federal Judiciary has developed a Next Generation(NextGen) Case Management/Electronic Case Files (CM/ECF) system that will allow attorneys to use the same account for both PACER and electronic filing access. CM/ECF is a nationally supported system that enables automated case management and docketing, and has been designed specifically for the Federal Courts.

The case management and docketing (CM) portion provides customized docketing and reporting capabilities.

The electronic case files (ECF) portion allows the submission of documents in electronic form to the Court by means of the Internet.

The electronic filing system generates a docket entry and automatically transmits a notice of the filing to the other registered participants in the case by electronic mail.

Attorneys who have an individual upgraded PACER account will have the same access to the Court's electronic files, docket sheets and reports as the public.

Attorneys who have an individual upgraded PACER account will have access to the system that permits electronic filing and notification of filings to all case participants. The notice of electronic filing will permit the registered attorneys to receive **one** free electronic copy of all documents filed in a case. These electronic copies are time sensitive and should be downloaded to your computer or printed for future reference.

Attorneys who have an individual upgraded PACER account will also have access to most restricted documents in a specific case when the attorney is listed as counsel of record.

### **A. DEFINITIONS**

The following definitions are used throughout this manual:

- **“Conventional Filing”** is the submission of a document by a filing party for scanning, uploading and filing into the CM/ECF system by Clerk's Office personnel. Such documents may be submitted in a paper format. Documents can also be presented in an electronic PDF format via email or through the use of approved media such as CD, DVD, or thumb drive.

- **“Electronic Document”** is the electronic version of a filed document. An electronic document has the same legal effect as a paper document.
- **“Electronic Filing”** means uploading a PDF document directly from the Filing User’s computer to CM/ECF.
- **“Electronic Signature”** refers to the fact that an electronic document is deemed signed when filed by an attorney, judicial officer or deputy clerk using a valid login and password, together with a written, or typed signature in the /s/Typed Name format, on the signature line.
- **“Filing User”** is an individual who uses an upgraded individual PACER account with e-filing privileges to file documents in the Western District of Arkansas.
- **“NextGen”** is a system that will allow an attorney to use the same account for both PACER and electronic filing access.
- **“Notice of Electronic Filing (NEF)”** is a notice automatically generated by CM/ECF when a document or text-only docket entry is filed in the system, setting forth the time of filing, the date it is entered on the docket, the name of the party and/or attorney filing the document, the type of document, the text of the docket entry, the name and method of service for the party or attorney receiving the notice, and an electronic link (hyperlink) to the filed document which allows registered case participants to retrieve the document electronically.
- **“Public Access to Court Electronic Records (PACER)”** is an electronic public access service provided by the Federal Judiciary that allows users to obtain case and docket information online from federal appellate, district, and bankruptcy courts, and the PACER Case Locator.
- **“Portable Document Format (PDF)”** is the format used for storing documents in CM/ECF. A document created with word processor software, or a paper document that has been scanned, must be converted to PDF to be filed electronically with the Court.
- **“Proposed Order”** is a draft document submitted by an attorney for a Judge’s signature. A proposed order should be provided to chambers in Word format, as an electronic attachment to an email addressed to the appropriate chambers.
- **“Technical Failure”** is a failure of court owned/leased hardware, software, and/or telecommunications equipment that results in the inability of a Filing User to submit a document electronically. “Technical Failure” does **not** include the malfunctioning of a Filing User’s equipment.

## **B. GENERAL INFORMATION**

The policies and procedures that govern electronic case filing in the United States District Court for the Western District of Arkansas are contained in this manual.

The following general information is relevant to this Court's CM/ECF system:

- The official record of the Court is the electronic file maintained on the Court's servers. This includes information transmitted to the Court in electronic format, as well as in paper form.
- All civil, civil miscellaneous, criminal, magistrate and criminal miscellaneous cases will be filed in CM/ECF.
- All pleadings and documents required to be filed with the Court will be filed electronically, except as otherwise provided in this manual.
- All case initiating documents (*e.g.*, civil complaint, notice of removal, indictment, information, criminal complaint, etc.), any pleading or document that adds a party or criminal counts (*e.g.*, amended complaint, third-party complaint, superseding indictment, etc.) will be filed conventionally.
- Social Security and Immigration cases will be subject to the limitations contained in Section VI of this manual.
- Pro se parties may request permission from the presiding judge to submit documents for filing to a designated email address on a case-by-case basis. All documents submitted for filing **must** contain the case number and the filer's signature and contact information, including a valid email address. **It is the responsibility of the party to inform the court of any change in contact information.**
- On a case-by-case basis, pro se parties may request permission from the presiding judge to receive filed documents at a designated email address. **It is the responsibility of the party to inform the court of any change in contact information.**
- Sealed documents must be filed electronically, as outlined in this manual or by other Orders of this Court.

## **II. ELIGIBILITY, REGISTRATION AND PASSWORDS**

### **A. ELIGIBILITY**

Any attorney admitted to the bar of this court, including an attorney admitted pro hac vice, **must** have an upgraded individual PACER account with e-filing privileges in this district.

If a Filing User intends to file documents electronically in the Eastern District of Arkansas or the Bankruptcy Court for the Eastern and Western Districts of Arkansas, a separate CM/ECF Registration Form must be completed for each court.

## **B. MANDATORY ELECTRONIC FILING**

All attorneys admitted to the bar of this court, including attorneys admitted *pro hac vice*, **must** file and receive documents electronically. Only case initiating documents, and those otherwise required or authorized by the Local Rules for the Eastern and Western Districts of Arkansas, this Manual, the Clerk, or the Court will be submitted conventionally.

## **C. REGISTRATION**

1. NextGen Registration for the Western District of Arkansas is located on the PACER website at [pacer.gov](http://pacer.gov). Click [here](#) for instructions on how to register for an individual PACER account.

The CM/ECF Registration Form for the Eastern District of Arkansas is located on that Court's website: [www.are.uscourts.gov](http://www.are.uscourts.gov).

The CM/ECF Registration Form for the Bankruptcy Court for the Eastern and Western Districts of Arkansas is located on that Court's website: [www.arb.uscourts.gov](http://www.arb.uscourts.gov).

2. A Filing User may register one (1) email address when completing the e-filing registration request through PACER. Once access to CM/ECF is activated, other email addresses can be added to the filing account for notification of all public docket entry information. The use of secondary email addresses (firm partner, assistant, paralegal, secretary or home) enhances the notification process by providing the Filing User with essential case information at multiple locations.
3. Upon receipt of the e-filing request, the Clerk's office will email acknowledgment of the request to the account holder's primary email address.
4. Registration as a Filing User constitutes consent to electronic service of all documents as provided in this manual in accordance with the General Orders and Local Rules of this Court, the Federal Rules of Civil Procedure and Federal Rules of Criminal Procedure.
5. Registration as a Filing User also constitutes certification by the Filing User that he or she has read and is familiar with the CM/ECF Administrative Policies and Procedures Manual for Civil and Criminal Filings.

6. **It is the responsibility of any attorney who has e-filing access to keep all contact information, including email addresses, updated and current.**

The primary email address must be updated through PACER.

Manage My Account → Maintenance → Update E-Filer Email Noticing and Frequency.

The secondary email address(es) must be updated through CM/ECF.

Utilities → Your Account → Maintain Your Email

7. In order to withdraw Filing User status, an attorney must first obtain leave of court to withdraw as counsel of record from every case the attorney has pending before the court.

When such leave is granted, the Filing User will provide the Clerk's office with a Notice of Withdrawal from CM/ECF that **must**:

- a. list the cases from which the attorney has been allowed to withdraw, and
- b. recite that the attorney is no longer counsel of record in any case pending before the court.

Upon receipt of the Notice of Withdrawal from CM/ECF, the Clerk's office will immediately disable the attorney's login and password and remove the attorney's name from any applicable electronic service list.

#### **D. PASSWORDS**

1. The PACER user is responsible for protecting the security of his or her password.
2. A PACER user may change his or her password at any time following registration via [PACER.gov](http://PACER.gov).
3. A PACER user who believes that his or her password has been compromised should immediately change their password at [PACER.gov](http://PACER.gov).

### **III. ELECTRONIC FILING AND SERVICE OF DOCUMENTS**

#### **A. FILING**

1. In General
  - a. All case initiating documents (e.g., civil complaint, notice of removal, criminal complaint, indictment, information, etc.), any pleading or

document that adds a party or criminal count (e.g., amended complaint, third-party complaint, superseding indictment, etc.) must be filed conventionally. Such documents may be submitted via email or in paper format. Click [here](#) for instructions on filing case initiating documents via email. Documents can also be presented in an electronic PDF format through the use of approved media such as CD, DVD, or thumb drive.

The documents will be scanned (if necessary), uploaded, filed and maintained in CM/ECF by the Clerk's office.

- b. All motions, applications, briefs, responses, replies, memoranda of law, or exhibits will be filed electronically, except as otherwise provided by these administrative procedures, General Orders, Local Rules or Orders of this Court.
- c. A document submitted electronically will not be considered filed for purposes of the Federal Rules of Civil or Criminal Procedure until CM/ECF generates an NEF.
- d. Only proposed orders and those documents parties have been ordered to submit to a [chambers' email address](#) should be transmitted by email to the assigned Judge's chambers.
- e. On a case by case basis, pro se parties may be permitted by court order to transmit documents to a [court designated email address](#).
- f. A document transmitted by email does not constitute "filing" for the purposes of the Federal Rules of Civil or Criminal Procedure.

## 2. Entry of Appearance and Withdrawal of Appearance by Counsel

- a. The attorney signing a conventionally filed document will be entered as counsel of record by the Clerk's office.

If a party is represented by multiple attorneys, a separate Notice of Appearance must be electronically filed by each attorney. This will ensure that each attorney representing a party will be listed on the court's docket and receive prompt electronic service of docket entries throughout the duration of the case.

A Notice of Appearance form (AO Form 458) can be downloaded from the U.S. Courts website at [www.uscourts.gov/services-forms/forms](http://www.uscourts.gov/services-forms/forms).

- b. A Withdrawal of Appearance by counsel may be permitted only by leave of court in accordance with [Local Rule 83.5](#).



- c. A Notice of Appearance of substituted counsel may be filed only by the attorney entering the appearance, not by the withdrawing attorney.

### 3. Filing Deadline

A document will be deemed timely filed if CM/ECF generates an NEF prior to midnight, Central Time, on the date it is due. However, the assigned Judge may order that the document must be filed by a specific time. (e.g. *Close of Business, 2 P.M., etc.*)

### 4. Amended Pleadings or Documents

- a. A party who moves to amend a pleading or document will attach a copy of the proposed amended document (e.g., amended complaint, amended answer, etc.) as an exhibit to the motion ([Local Rule 5.5\(e\)](#)).
- b. If the motion is granted, the attorney must then file the amended pleading or document with the Court electronically, except if the amended pleading or document adds parties or criminal counts.
- c. Any filing that adds a party or criminal counts must be filed conventionally.

### 5. Records Retention

- a. The official court record will be the electronic files maintained on the Court's servers and any other documents or exhibits allowed to be filed conventionally.
- b. The Clerk's office will discard all documents brought to the Clerk's office for filing after those documents are scanned and uploaded to CM/ECF in accordance with the Clerk's document retention policy, unless otherwise provided in these procedures, or the filing party arranges to promptly pick up the documents.

## **B. SERVICE**

1. Whenever a document or other paper is filed electronically in accordance with these procedures, CM/ECF will generate an NEF to any case participant who is a registered Filing User and has consented to electronic notice, and to the assigned Judge(s).
2. If the recipient is a registered Filing User, a system-generated NEF will be deemed to constitute service pursuant to [F.R.Cv.P. 5](#) and [F.R.Cr.P. 49](#).

3. A certificate of service on all parties entitled to service or notice is still required when a party files a document electronically. The certificate must state the manner in which service or notice was accomplished on each party so entitled.
4. A pro se party should receive a paper copy of any electronically filed pleading, document or order.

If a paper copy is provided, the filing party must provide the pro se party with the document or order according to the Federal Rules of Civil or Criminal Procedure.

When mailing paper copies of documents that have been electronically filed, the filing party will also include a copy of the NEF to provide the recipient with proof of the filing.

### **C. SIGNATURES**

1. Non-attorney Signature
  - a. If an original document requires the signature of a non-attorney, the filing party or the Clerk's office will scan the document and electronically file it in CM/ECF.
  - b. All notarized documents and affidavits must include the signature of the notary or affiant. If the notary or affiant is not the registered CM/ECF Filing User, the /s/ Typed Name is not a valid signature.

2. Attorney Signature

A pleading or other document requiring an attorney's signature will be signed in the following manner: "/s/ (attorney name)." The correct format for an attorney signature is as follows:

**/s/ Pat Attorney**

Pat Attorney

Bar Number 12345

Attorney for (Plaintiff/Defendant) Party Name

ABC Law Firm

6<sup>th</sup> Street and Rogers Avenue

Fort Smith, Arkansas 72901

Telephone: (479) 783-6833

Email: pat\_attorney@law.com

3. Multiple Attorney Signatures

The following procedure applies when a stipulation or other document (e.g.,

a joint motion) requires two or more attorney signatures:

- a. The filing attorney will confirm that the content of the document is acceptable to all attorneys required to sign the document and will obtain the signatures of all attorneys on the document. For purposes of this rule, physical, facsimile, or electronic signatures are permitted.
- b. The filing attorney will then file the document electronically indicating the name of each attorney signatory (e.g., “/s/ Jane Doe, (with permission)” “/s/ John Smith, (with permission)” etc.)”

4. Objections to Signature or Authenticity of Document

Any party who disputes the authenticity of an electronically filed document or the authenticity of a signature on a document must file an objection to that document within fourteen (14) days of service of the document.

**D. FEES PAYABLE TO THE CLERK**

Any fee required for filing a pleading or document is payable to the Clerk of the Court.

1. Checks or money orders sent to the Clerk’s Office by United States mail or other carrier service will be receipted and noted in a docket entry.
3. Fees for the following events may be paid through CM/ECF using Pay.gov in the form of a credit or debit card or with a savings or checking account (ACH Payment):
  - i. Complaint
  - ii. Notice of Removal
  - iii. Petition for Writ of Habeas Corpus
  - iv. Miscellaneous Case
  - v. Pro Hac Vice motion
  - vi. Notice of Appeal

Filing fees may be paid through docketing the Pro Hac Vice or Notice of Appeal event. Filing fees for the Complaint, Notice of Removal, Petition for Writ of Habeas Corpus and Miscellaneous Case may be paid by using the **ECF Civil→Other Documents → Filing Fee Submitted** event.

4. Check, money orders, credit or debit cards are also permitted when paying fees in person at the clerk’s office. A valid government issued ID must be presented along with the credit or debit card.

## **E. ORDERS**

### 1. Court Generated Orders

The assigned Judge's chambers or the Clerk's office will electronically file all orders.

### 2. Proposed Orders

Proposed Orders will be submitted as outlined below:

- a. Electronically submitted proposed orders must not be combined with the motion into one document.
- b. After filing the motion, the proposed order must be submitted by email.

The proposed order must refer to the document number that CM/ECF assigns to the motion when the motion is electronically filed.

- c. All proposed orders must be submitted in Word format so that the Court has the flexibility to edit such orders. Proposed orders submitted in PDF format will not be accepted.
- d. Proposed orders should be emailed to the address for the assigned Judge's chambers.

The Judges' chambers email addresses are as follows:

Judge P.K. Holmes, III	<a href="mailto:pkhinfo@arwd.uscourts.gov">pkhinfo@arwd.uscourts.gov</a>
Judge Harry F. Barnes	<a href="mailto:hfbinf@arwd.uscourts.gov">hfbinf@arwd.uscourts.gov</a>
Judge Timothy L. Brooks	<a href="mailto:tlbinf@arwd.uscourts.gov">tlbinf@arwd.uscourts.gov</a>
Judge Susan O. Hickey	<a href="mailto:sohinfo@arwd.uscourts.gov">sohinfo@arwd.uscourts.gov</a>
Magistrate Judge Barry A. Bryant	<a href="mailto:babinf@arwd.uscourts.gov">babinf@arwd.uscourts.gov</a>
Magistrate Judge Mark E. Ford	<a href="mailto:mefinf@arwd.uscourts.gov">mefinf@arwd.uscourts.gov</a>
Magistrate Judge James R. Marschewski	<a href="mailto:jrminfo@arwd.uscourts.gov">jrminfo@arwd.uscourts.gov</a>
Magistrate Judge Erin L. Wiedemann	<a href="mailto:elwinfo@arwd.uscourts.gov">elwinfo@arwd.uscourts.gov</a>

- e. If there is doubt regarding whether to submit a proposed order to the assigned district judge or the assigned magistrate judge, the proposed order should be submitted to the district judge and, if appropriate, the district judge will forward the proposed order to the magistrate judge.

### 3. Text Only Docket Entries

- a. The assigned Judge's chambers or the Clerk's office, if appropriate, may grant routine orders by a text-only docket entry.

CM/ECF will generate an NEF of such an entry. In such cases, no PDF document will issue. The text-only entry will constitute the Court's order on the matter.

- b. The Clerk's office will deliver a copy of the NEF of a text-only order to a party who has not been granted permission to receive electronic service.
- c. The Clerk's office will deliver a copy of the NEF of a text-only order by electronic mail to any pro se party whose request for electronic mail service has been granted.

4. Clerk's Orders

- a. Proposed orders that are submitted pursuant to [Local Rule 6.2](#) and can be signed by the Clerk should be prepared in Word format. The Clerk's office will not accept proposed orders in PDF format.
- b. Proposed orders should be emailed to the Clerk's office at one of the following addresses:

El Dorado Division	<a href="mailto:ELDinfo@arwd.uscourts.gov">ELDinfo@arwd.uscourts.gov</a>
Fort Smith and Hot Springs Divisions	<a href="mailto:FSMinfo@arwd.uscourts.gov">FSMinfo@arwd.uscourts.gov</a>
Texarkana Division	<a href="mailto:TEXinfo@arwd.uscourts.gov">TEXinfo@arwd.uscourts.gov</a>
Fayetteville and Harrison Divisions	<a href="mailto:FAYinfo@arwd.uscourts.gov">FAYinfo@arwd.uscourts.gov</a>

**F. TITLE OF DOCKET ENTRIES**

The Filing User who electronically files a document is responsible for selecting an appropriate docket event using one of the menu categories available in CM/ECF. The current lists of civil and criminal events are available on the Court's website at [www.arwd.uscourts.gov/cmecf-documents](http://www.arwd.uscourts.gov/cmecf-documents).

**G. CORRECTING DOCKET ENTRIES**

- 1. Once a document is filed electronically, corrections to the docket can **ONLY** be made by Clerk's office staff. CM/ECF will not permit the filing party to make changes to the document(s) or docket entry once the transaction has been completed.
- 2. **When filing errors occur, the filing party should not attempt to refile a document before contacting the Clerk's office.**

Types of filing errors include posting the wrong PDF file to a docket entry, selecting the wrong document type/event from the menu, filing the document in the wrong case number, etc.

3. As soon as possible after the error is discovered, the filing party should contact the Clerk's office with the case number and document number that needs to be corrected.

Contact Information

El Dorado Division	(870) 862-1202
Fort Smith and Hot Springs Divisions	(479) 783-6833
Texarkana Division	(870) 773-3381
Fayetteville and Harrison Divisions	(479) 521-6980
CM/ECF Help Desk line	(866) 540-5066

4. If appropriate, the Court or Clerk's office staff will make an entry indicating that the document was filed in error.
5. The filing party will be advised of the appropriate action needed to correct the error.

**H. TECHNICAL FAILURES**

1. A filing party whose document is made untimely as a result of a technical failure of the CM/ECF system may seek appropriate relief from the Court.
2. In the event of a technical failure, documents may be submitted to the Clerk's office conventionally, accompanied by a [Declaration that Party was Unable to File in a Timely Manner Due to Technical Difficulties](#).
3. Problems on the Filing User's end, such as phone line problems, problems with the Filer's Internet Service Provider (ISP), or hardware or software problems, will not constitute a technical failure under these procedures nor excuse an untimely filing. In the event of such circumstances, a Filing User may file documents conventionally.

**I. PRIVACY**

Filing Users should not include sensitive information in any document electronically filed with the Court unless inclusion is necessary and relevant to the case.

If sensitive information must be included in a document the following precautions should be taken:

1. The document may be filed with sensitive information in a partially redacted form.

The following personal data identifiers **must** be partially redacted:

- Social Security and taxpayer-identification numbers to the last four digits;
- Dates of birth to the year;
- Names of minors to the initials;
- Financial account numbers to the last four digits; and

- Home addresses to city and state, in criminal cases.

Exemptions to the redaction requirements can be found in [F.R.Cv.P. 5.2\(b\)](#) and [F.R.Cr.P. 49.1\(b\)](#).

2. In compliance with [F.R.Cv.P. 5.2\(f\) and \(g\)](#) and [F.R.Cr.P. 49.1\(f\) and \(g\)](#), a party who files a document containing redacted personal data identifiers should, if the unredacted form of such identifiers is necessary to any court action to be taken with regard to that document, file a key to the redactions in one of the following ways:

- a. File a reference list under seal.

1. The reference list will contain the complete personal data identifiers and the redacted identifiers used in the filing. All references in the case to the redacted identifiers included in the reference list will be construed to refer to the corresponding complete identifier.
2. The reference list must be filed in CM/ECF using the Civil or Criminal RESTRICTED event -> Reference List. The reference list may be filed without a motion and order to seal, and may be amended as a matter of right.

- b. File an unredacted version of the document under seal.

The unredacted document must be filed in CM/ECF using the Civil or Criminal RESTRICTED event -> Notice of Filing Unredacted Document. The Filing User must link this entry with the entry containing the redacted document. The unredacted document may be filed without a motion and order to seal.

3. In addition, caution should be exercised when filing documents that contain the following personal information.

- Personal identifying numbers, such as a driver's license number;
- Medical Records, treatment and diagnosis;
- Employment history;
- Individual financial information;
- Proprietary or trade secret information;
- Information regarding the victim of any criminal activity;
- National security information; and
- Sensitive security information as described in 49 U.S.C. § 114(s).

A party should consider redacting the personal identifier information. An unredacted document can then be filed as described above. (See I.2.b.)

4. Counsel are urged to share this information with all clients so that they may make an informed decision about the inclusion of certain materials.

It is the sole responsibility of the filing party to be sure that all filed documents comply with the requirements regarding redaction of personal data identifiers.

**The Clerk's office will not review documents for compliance with these requirements.**

5. The following documents will not be included in the public case file, and will not be available to the public either at the courthouse or via remote electronic access (PACER):
  - Unexecuted summons or warrants of any kind (*e.g. search warrants, arrest warrants*);
  - Pretrial bail or Presentence Investigation Reports;
  - Statements of Reasons in the criminal judgment of conviction;
  - Financial affidavits filed in seeking representation pursuant to the Criminal Justice Act;
  - Ex parte requests for authorization of investigation, expert or other services pursuant to the Criminal Justice Act;
  - Juvenile records;
  - Documents containing identifying information about jurors or potential jurors; and
  - Sealed documents.

#### **IV. CONVENTIONAL FILING OF DOCUMENTS**

Documents required or authorized to be filed conventionally **must** be emailed to the appropriate division address, or delivered to the Clerk's office by hand-delivery, U.S. Mail or other carrier service. Non-paper documents presented for filing must be submitted in electronic PDF format through the use of approved media such as CD, DVD or thumb drive. The Clerk's office will scan and upload these documents to CM/ECF.

##### **A. CASE INITIATING DOCUMENTS**

1. All case initiating documents (*e.g.*, civil complaint, civil cover sheet and summons, and notice of removal with civil cover sheet, criminal complaint, indictment, information) must be filed conventionally. Click [here](#) for instructions on filing case initiating documents via email.
2. Any pleading or document that adds a party or criminal count (*e.g.*, amended complaint, third-party complaint, intervention, superseding indictment, etc.) must be filed conventionally.
3. Any summons or warrant to be issued by the Clerk must be emailed or delivered to the Clerk's office.



4. The party requesting the issuance of civil summons must complete the top portion of the summons form.
5. A party may not electronically serve a civil summons, but instead must effect service according to [Rule 4](#) of the Federal Rules of Civil Procedure.

## **B. DOCUMENTS FILED UNDER SEAL**

All requests to seal a document must be made by motion. If the motion is granted, the assigned Judge will enter the order authorizing the filing of the document under seal. Sealed documents may be filed either electronically or conventionally.

### 1. Electronic Filing of Sealed Documents

Unless the Court directs otherwise, sealed documents may be filed in CM/ECF using the Civil or Criminal RESTRICTED event -> Sealed Document. The Filing User must indicate the date the Order was entered permitting filing under seal and link this entry with the related docket entry.

### 2. Conventional Filing of Sealed Documents

When a sealed document is submitted to the Clerk's office, whether on electronic media or in paper form, it will be placed inside an 8½" × 11" envelope. Affixed to the exterior of the envelope will be a cover sheet containing the following:

- The case caption;
- The name of the document, if it can be disclosed publicly; otherwise an appropriate title by which the document may be identified on the public docket;
- The name, address and telephone number of the person filing the document; and
- A copy of the Court's order permitting sealing will be attached to the envelope containing the sealed document.

If a sealed document is submitted to the Clerk's office at the time a motion to seal is filed and the motion is denied, the document will be returned to the movant.

## **C. PRO SE FILERS**

Generally, pro se filers must submit documents conventionally. However, a pro se filer who wishes to submit documents electronically to a court email address for filing and/or receive copies of filed documents by email may make such a request by submitting a motion on a case-by-case basis.

1. Documents submitted conventionally for filing.

Any paper document that is submitted to the court for filing must contain the appropriate case number and a title by which the document should be called on the docket sheet. The document **must** be signed and contain the filer's contact information, including the mailing address and telephone number.

If required by any rule or statute, the document must also include either verification or an unsworn declaration.

The Clerk's office will scan and upload these documents to CM/ECF.

2. Documents submitted electronically for filing.

A document that is submitted to the court for filing by electronic means must be sent to the appropriate [clerk's office email address](#). Each document must contain the appropriate case number and a title by which the document should be called on the docket sheet. The document **must** be signed and contain the filer's contact information, including the mailing address, telephone number and email address.

If required by any rule or statute, the document must also include either verification or an unsworn declaration.

The document **must** be in PDF format and conform to the current CM/ECF [file size limits](#).

As soon as it is reasonably possible, the Clerk's office will retrieve and review the document submitted for filing.

If the document meets the current CM/ECF requirements, the document will be uploaded to CM/ECF.

If the pro se filer has been granted permission to receive electronic notification of filings, the document, together with the NEF, will be emailed to the pro se filer.

If the document does not meet the current CM/ECF requirements, the document will be returned to the filer with a Notice of Deficiency.

3. It is the responsibility of a pro se filer to inform the court of any change in contact information; including mailing address, phone number and personal email address.

## V. ATTACHMENTS AND EXHIBITS

### A. IN GENERAL

1. Whenever possible, a filing party should convert documents directly to PDF format using Acrobat or other PDF-generating software. Most word processors can create PDFs directly. Otherwise, a filing party should electronically scan a paper document or exhibit and submit it as a PDF file, provided that the file size is less than the designated limits for such documents. Click the Court Information link on the CM/ECF Welcome page for current [file size limits](#).
2. When scanning documents to be filed electronically, a filing party should configure the scanner for at least 300 dpi and black and white.
3. Documents appearing in color in their original form, such as color photographs, may be scanned in color and uploaded to CM/ECF.
4. Filing Users are required to verify that scanned documents are legible and complete before the documents are filed electronically in CM/ECF.
5. If a document cannot be easily read after scanning, the filing party should not electronically file the document, but should seek permission to conventionally file the document with the Clerk's office.

### B. VOLUMINOUS EXHIBITS

If the main document and exhibits attached to any particular document exceeds the maximum allowable [file size limit](#), then the main document and exhibits must be filed according to the following procedures:

1. The Filing User must prepare an exhibit index and submit the index as the first attachment to the main document.
2. Each exhibit must be submitted as a separate attachment to the main document.
3. If any particular exhibit exceeds the megabyte limit, then that exhibit must be broken down into separate components, and each component must be submitted as a separate attachment.
4. The following is a sample exhibit index, for which each exhibit must be submitted as a separate attachment to the main document.

<b>Exhibit</b>	<b>Description</b>
A	XYZ Company General Ledgers
B	Excerpts from Jane Doe's Deposition
C-1	Contract between XYZ Company and ABC Company

- C-2 (Part 1, Pages 1-300)  
Contract between XYZ Company and ABC Company  
(Part 2, Pages 301-479)
- D Affidavit of John Smith (Filed under seal with the  
Court's permission)

**C. CONVENTIONAL FILING OF EXHIBITS**

1. A party may seek a court order allowing that party to conventionally submit exhibits that are not available in electronic form (i.e., documents that cannot be read after scanning).
2. If the Court grants a party leave to submit exhibits conventionally, then the exhibits must be submitted according to the following procedures:
  - a. The Filing User must prepare an exhibit index. This exhibit index must be submitted as an attachment to the main document and indicate which exhibits are being submitted conventionally. (See V. B. 4 for sample exhibit index.)
  - b. A slip sheet should be uploaded to the public docket entry in place of the sealed or conventionally filed exhibit or attachment. The sheet should include the exhibit or attachment number or letter and state that it is filed under seal or submitted conventionally.

**EXHIBIT D**  
**Affidavit of John Smith Filed Under**  
**Seal or Submitted Conventionally**

- c. The Filing User will submit the index and the exhibits conventionally. The document's caption will identify the document to which the exhibits relate (e.g., "Exhibit D in Support of Defendant XYZ Company's Memorandum in Support of Motion for Summary Judgment, ECF Doc # 37").
- d. ALL exhibits **must** be labeled.
- e. Receipt of the document, exhibit or attachment will be noted in CM/ECF.
- f. A party must serve all conventionally submitted materials on all other parties required to receive notice.

## **VI. SOCIAL SECURITY and IMMIGRATION CASES**

Pursuant to [F.R.Cv.P. 5.2\(c\)](#), remote access to individual documents will be limited to counsel of record and court staff to the extent that the document has been uploaded to CM/ECF and has not been designated a written opinion. Docket sheets will be available remotely to non-parties. Non-parties will continue to have access to the paper or electronic documents on file at the Clerk's office.

## **VII. FEE MATTERS - CJA AUTHORIZATIONS**

The original order appointing counsel will be entered in CM/ECF by the Clerk's office. The appointed attorney is responsible for the creation, documentation and submission of the CJA-20 form using the eVoucher system.

Documents related to the authority to pay court appointed counsel, authorization and voucher for expert and other services, authorization and voucher for payment of a transcript, and requests for excess fees, pursuant to the Criminal Justice Act (CJA), will also be entered using the eVoucher system.

## **VIII. NOTICE OF COURT ORDERS AND JUDGMENTS**

Upon entry of an order or judgment into CM/ECF an NEF, with a hyperlink to the electronic document, will be transmitted to case participants who have consented to notice by electronic means.

Electronic transmission of an NEF, along with a hyperlink to the electronic document, constitutes the notice required by [F.R.Cv.P. 77\(d\)](#) and [F.R.Cr.P. 49\(c\)](#). The Clerk's office must give notice in paper form to a person who is not a Filing User or has not otherwise consented to electronic service.

## **IX. PUBLIC ACCESS AND REPRODUCTION FEES**

### **A. PUBLIC ACCESS AT THE COURT HOUSE**

Electronic access to non-restricted docket sheets and documents filed in CM/ECF is available to the public for viewing free of charge at the Clerk's office during regular business hours.

### **B. INTERNET ACCESS**

Remote electronic access to CM/ECF for viewing purposes is limited to subscribers to PACER. The Judicial Conference of the United States has ruled that a user fee will be charged for remotely accessing certain detailed case information, such as filed documents and docket sheets in civil and criminal cases.

1. No fees assessed

- a. Recipients who receive service or to whom service is directed by the filer under the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure will receive the initial electronic copy of a document free of charge, if viewed within fourteen (14) days of filing.
- b. No fee will be assessed for viewing any written opinion.

2. Fees Assessed

- a. A fee is assessed for electronic access to any case document, docket sheet or case-specific report, not to exceed the fee for thirty (30) pages.
- b. Any transcript or non-case specific reports that are generated through CM/ECF are not subject to the maximum access fee. PACER fees are charged for every page of a transcript or non-case specific report.
- c. PACER fees will be assessed for any subsequent or untimely viewing of any document that is electronically available.
- d. For further details, an [electronic public access fee schedule](#) is available from the PACER website.

**C. COPIES AND CERTIFIED COPIES**

Copies and certified copies of electronically filed documents may be purchased at the Clerk's office. The fee for copying and certifying documents will in accordance with the Court's [Fee Schedule](#).