



**ELECTRONIC CASE FILING  
PROCEDURES GUIDE  
CRIMINAL CASES**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

*April 2017*

# ELECTRONIC CASE FILING PROCEDURES

## CRIMINAL CASES

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# ELECTRONIC CASE FILING PROCEDURES

## CRIMINAL CASES

### I. THE ELECTRONIC FILING SYSTEM AND REQUIREMENTS

#### A. IN GENERAL

1. **Electronic Filing Required.** Unless otherwise permitted by these administrative procedures, by local rules, by a general order of the court, or unless otherwise specifically authorized by the assigned District Judge or Magistrate Judge, all documents<sup>1</sup> submitted for filing in criminal cases in this district on or after May 17, 2004, no matter when a case was originally filed, must be filed electronically as Portable Document Format (PDF) files<sup>2</sup> using the Electronic Case Filing System (ECF). However, the following exceptions apply:
  - a. New Cases. Charging instruments are governed by [Section II.A.2.](#) of these procedures.
  - b. Pro Se Litigants. Pro Se Prisoner and non-prisoner Pro Se filers are automatically exempt from being required to file in ECF.
  - c. Sealed Cases. All documents filed in sealed criminal cases must be delivered to the Clerk's Office for electronic filing by the Clerk. This includes pre-charge and juvenile matters.
2. **Restricted Filings.** Documents electronically filed in ECF may have different restriction levels placed upon them, i.e. sealed, court only, applicable party, or ex parte.
  - a. If a document is restricted and the user has appropriate access to it, when clicking on the document number link in the Notice of Electronic Filing (NEF), the user will be prompted for his/her PACER

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<sup>1</sup> The requirement that all documents be filed electronically includes motions, memoranda, briefs, exhibits, etc. See LR 49.1(b). It also includes transcripts of proceedings, and deposition transcripts if they are filed with the court. See [LR 5.1](#); [LR 80.1](#).

<sup>2</sup> All PDF files must be compatible with Adobe Acrobat version 4.0 and higher. Please see "PDF Troubleshooting Tips and Tricks" on the court's website at: [http://www.mnd.uscourts.gov/cmecf/general\\_information.shtml](http://www.mnd.uscourts.gov/cmecf/general_information.shtml) for more information.

login/password. This is simply a security measure to ensure they have proper access to view the document. The user should enter his/her PACER login and password, click the redaction box, and then click the login button to access the restricted document.

- b. When both the document and the docket entry are restricted, the docket report will have skipped document numbers.
  - c. If a document is restricted and the docket text is public, when clicking on the document number, the user will be prompted with a message stating the document is not available, or that the user does not have permission to view the document.
3. **Original Signatures of Non-Parties.** Documents containing original signatures of non-parties are governed by [Section II.C.](#) of these procedures.
  4. **Documents Filed Conventionally** (i.e., in paper). Documents or material not filed electronically are governed by [Section V.](#)
  5. **Exemption from ECF.** An attorney may apply to the assigned Magistrate Judge for exemption from filing electronically on a case by case basis. Exemptions to the ECF Procedures will not be granted as a matter of course, but only upon a credible and persuasive demonstration of good cause. The grounds on which an exemption is requested must be explained in substantial detail. If an exemption is granted, it may be withdrawn at any time and the attorney will thereafter be required to file documents electronically in ECF. A “Civil or Criminal ECF Exemption Form” is available from the Clerk’s Office or on the “Court Forms” page of the court’s web site at: [www.mnd.uscourts.gov](http://www.mnd.uscourts.gov). The exemption form should be filed in paper with the Clerk. Clerk’s Office staff will scan and file the form in ECF and the application will be reviewed by the assigned Magistrate Judge.
  6. **Court’s Discretion.** The Clerk or any District or Magistrate Judge of this court may deviate from these procedures without prior notice if deemed appropriate in the exercise of discretion, considering the need for the just, speedy, and inexpensive determination of every action. The court may also amend these procedures at any time without prior notice.
  7. **Document Retention.** In general, the Clerk’s Office does not retain original documents submitted conventionally. If conventionally filed documents are scanned and posted to ECF, the electronically filed document maintained on the court’s servers constitutes the official court record of the document. The

original document is either returned (by request) to the party who submitted it, recycled, or shredded if the document is sealed/restricted.

Several documents in criminal cases require the signature of a non-attorney, such as a grand jury foreperson, a third-party custodian, a United States Marshal, an officer from Pretrial or Probation, or some other federal officer or agent. In general, the Clerk's Office will scan these documents and post to ECF. The electronically filed document is the official court record.

## B. SYSTEM AVAILABILITY AND TIMELINESS

1. **System Availability.** The Electronic Case Filing System (ECF) will be available 24 hours a day, seven days a week except during scheduled maintenance. Advance notice will be provided to ECF users via email and on the District Court's website.
2. **Timeliness.** A document will be deemed to be timely filed if filed:
  - a. Electronically on ECF before midnight on its due date, or
  - b. Conventionally (i.e., in paper), pursuant to [Section V](#), in the Clerk's Office before 5:00 p.m. Central Time on its due date, unless a specific time is designated by a Judge (e.g., 5:00 p.m. deadline).
3. **Help Desk.** Please note the District Court's Help Desk is only supported between the hours of 8:00 a.m. and 5:00 p.m. Central Time, Monday through Friday.

**Toll-Free Help Desk:** (866) 325-4975 or (612) 664-5155

*or*

**Email:** [ecfhelpdesk@mnd.uscourts.gov](mailto:ecfhelpdesk@mnd.uscourts.gov)

## C. PASSWORDS

1. **In General.** An attorney must not knowingly permit or cause to permit his or her password to be utilized by anyone other than an authorized employee of his or her office.

Once registered,<sup>3</sup> an attorney is responsible for all documents filed using his or her password and is subject to Rule 11 sanctions ([Fed. R. Civ. P. 11](#)).

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<sup>3</sup> Registration for a password is governed by [Section I.D.](#) of these procedures.

2. **Attorneys Admitted to Practice in This Court.** Each attorney admitted to practice in the District of Minnesota is entitled to one ECF account, which will allow the attorney to retrieve and file documents electronically and to receive notices of electronic filing.
3. **Attorneys Admitted Pro Hac Vice.** An attorney admitted to practice pro hac vice in the District of Minnesota is entitled to one ECF account, which will allow the attorney to retrieve and file documents electronically and to receive notices of electronic filing. Pro hac vice admissions in this district are for a specific case. Therefore, an attorney's affiliation with multiple cases on a pro hac vice basis must be made by separate application and payment of the \$100.00 admission fee for each individual case, with the exception of actions consolidated for pretrial purposes.<sup>4</sup> See [LR 83.5\(d\)-\(e\)](#) for guidance on pro hac vice admission for nonresident attorneys and government attorneys. To obtain admission pro hac vice, nonresident attorneys must associate with an active member in good standing of the court's bar who must participate in the preparation and presentation of the case listed above, and accept service of all papers served.
4. **Non-Prisoner Pro Se.** A non-prisoner pro se party may complete and sign an "Application for Pro Se Litigant to File Electronically" form. The form is available from the Clerk's Office or on the "Court Forms" page of the court's website at [www.mnd.uscourts.gov](http://www.mnd.uscourts.gov). In addition to submitting the form, applicants must also have/obtain an individual PACER account and apply for electronic filing access with the District of Minnesota through the "Non-Attorney E-File Registration" option on PACER's website. If the application is approved, the applicant will log in through PACER to file electronically. If the court becomes aware of misuse of ECF, access will be revoked by the court without advance notice. Upon closure of the case for which access is granted (and the expiration of all appeal periods), the account will be deactivated.
5. **Prisoner Pro Se.** Prisoner pro se parties may not register to electronically file and must file their documents in paper. Their documents must be filed conventionally pursuant to [Section V](#). Upon receipt, the Clerk's Office will scan the prisoner pro se documents and post them to ECF. The electronically filed document is the official court record.

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<sup>4</sup> The pro hac vice admission fee is waived for attorneys representing the United States or its officers or agencies.

## D. ATTORNEY REGISTRATION

1. Attorneys will retain filing access while in good standing with the bar of this court or admitted pro hac vice. To be in good standing, an attorney must comply with the requirements of [LR 83.6](#), including timely payment of the registration fee due every third year during the court's re-registration process.
2. The user login ID and password used to submit documents to ECF serve as the attorney's signature on all electronic documents filed with the court. The login ID and password also serves as a signature for purposes of the Federal Rules of Civil Procedure (*see* [Fed. R. Civ. P. 11](#)), the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court.
3. If an attorney believes that the security of an existing account has been compromised and that a threat to ECF exists, the attorney must change his/her password immediately. Directions on how to do so are posted on PACER's website, or attorneys may call the helpdesk for assistance. If an ECF account has been misused, contact the helpdesk.
4. Attorneys who have forgotten their password should use the automated password reset and username recovery function on the PACER Login page.
5. Attorneys whose email address, mailing address, telephone number, or fax number have changed, must log into their PACER account and change their personal information in the "Manage My Account" section. It is the responsibility of the attorney to change this information in a timely manner.
6. Registration as a participant in the Electronic Filing System constitutes consent to electronic service of all documents in accordance with the Federal Rules of Civil and Criminal procedure.

## E. COURTESY COPIES

1. When an attorney files motions, responses, or reply briefs on ECF, the attorney must also provide two (2) paper courtesy copies of the motion and all supporting documents (affidavits and exhibits) to the Judge hearing the motion.
2. The courtesy copies should be mailed or delivered to the District or Magistrate Judge in an envelope addressed to the Judge's courtroom deputy contemporaneously with the documents being posted on ECF. This rule applies to dispositive and non-dispositive motions.

## II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

### A. FILING

#### 1. In General

- a. All motions, pleadings, applications, briefs, memoranda of law, or other documents must be electronically filed on ECF except as otherwise provided by these procedures, by local rule, or court order.
  - b. Emailing or faxing a document to the Clerk's Office or to the assigned District or Magistrate Judge does not constitute filing the document. A document is not construed as filed until ECF generates a Notice of Electronic Filing (NEF).
  - c. Under [LR 5.2\(a\)](#), all documents filed must be typewritten, printed, or prepared by a clearly legible duplication process. Document text must be double-spaced, except for quoted material and footnotes, and pages must be numbered consecutively at the bottom. Documents filed after the case-initiating document must contain – on the front page and above the document's title – the case number and the name or initials of the assigned District and Magistrate Judge.
    - i. [LR 5.2\(a\)](#) does not apply: (1) to exhibits; and (2) in removed actions, to documents filed in state court before removal.
    - ii. Documents filed by an attorney must include the attorney's registration number. [LR 5.2\(c\)](#).
2. **New Cases.** The Clerk's Office will scan and post to ECF all charging instruments (e.g., indictments, superseding indictments, complaints, informations, etc.).
  3. **Notice of Appearance.** ECF is only capable of recognizing an entry of appearance on behalf of the attorney who files the entry of appearance. Accordingly, if an attorney files an entry of appearance on his or her own behalf as well as on behalf of other attorneys, the additional attorneys will be added to the case after the filing is reviewed as part of Clerk's Office quality control procedures.

4. **Attorney Substitution.** If substituting an attorney, the attorney entering his/her appearance must:
  - a. Obtain the withdrawing attorney's signature on a "Notice of Substitution of Counsel" (see [LR 83.7](#));
  - b. Affix the s/signatures (see [Section II.C.](#), Subpart 2) for both attorneys to the electronic document; and
  - c. Convert the document to PDF and file it in ECF.
5. **Withdraw as Counsel.** If withdrawing as attorney of record without a substitution, the attorney must file either a "Notice of Withdrawal" or a "Motion to Withdraw" depending on the circumstances. See [LR 83.7](#) for guidance on whether a notice or motion to withdraw must be filed.
6. **Official Court Record.** The official court record is the electronic file maintained on the court's servers and any documents or exhibits allowed to be filed conventionally.
7. **Document Retention.** The Court encourages attorneys to retain the originals of electronically filed documents that have intrinsic value.
8. **Transcribers and Court Reporters.** Transcripts must be filed electronically in ECF in accordance with [LR 80.1](#) unless otherwise ordered by the Court.

## B. FILING DOCUMENTS UNDER SEAL

1. **Local Rule 49.1.** All sealed documents submitted in a criminal case must be filed electronically. This does not affect a party's obligation to redact personal identifiers under Fed. R. Crim. P. 49.1 (see [Section III](#)).
2. **Sealed Documents.** The following documents must be filed under seal under LR 49.1(c)(1) and will remain sealed absent a court order:
  - a. grand-jury material that must remain secret under federal law;
  - b. an application, any supporting documents, and an order disposing of an application:
    - i. to authorize the interception of oral, wire, or electronic communications under 18 U.S.C. §§ 2510-2522;
    - ii. to authorize a pen register or trap-and-trace device under 18 U.S.C. §§ 3121-3127;

- iii. to authorize the disclosure of customer-communication records under 18 U.S.C. §§ 2703-2705;
  - iv. for a writ of habeas corpus ad testificandum;
  - v. for a subpoena duces tecum on behalf of a defendant;
  - vi. for a subpoena under Fed. R. Crim. P. 17(c); and
  - vii. for review of *Brady/Giglio* materials.
- c. a document related to a juvenile proceeding;
  - d. a motion for change of custody related to cooperation, any supporting documents, and an order disposing of the motion;
  - e. a document supporting counsel's motion to withdraw that discloses attorney-client privileged information;
  - f. a presentence report or victim-impact statement; and
  - g. a document protected from public disclosure by federal statute (such as 18 U.S.C. § 3509(d)) or federal rule (such as Fed. R. Evid. 412(c)).
3. **Optional Sealed Documents.** These documents may be filed under seal without court permission under LR 49.1(c)(2), but will be unsealed when the judgment is entered:
- a. an application for an order to disclose tax returns and return information, any supporting documents, and an order disposing of the application;
  - b. an application for an order authorizing travel by a defendant's appointed counsel, any supporting documents, and an order disposing of the application;
  - c. an application for appointment of counsel for a subpoenaed witness, any supporting documents, and an order disposing of the application;
  - d. a motion for withdrawal of counsel and any supporting documents;
  - e. a motion for appointment of a taint team to review privileged information and any supporting documents;
  - f. a motion for a downward departure under U.S.S.G. § 5K1.1 or 18 U.S.C. § 3553(e) and any supporting documents;

- g. a motion to compel testimony of a witness upon grant of use immunity and any supporting documents;
  - h. a joint motion to extend the time to file an indictment; and
  - i. letters, emails, and similar materials submitted in connection with a sentencing hearing.
4. **Motion to Seal.** Any document not listed in LR 49.1(c) may not be filed under seal except by order of the court. A party moving to seal a document not listed in LR 49.1(c) must:
- a. electronically file the document(s) under temporary seal;
  - b. electronically file a public motion to seal;
  - c. electronically file a memorandum of law, which may be filed under temporary seal. The memorandum must identify the docket number of the sealed document and describe the sealed document, explain why the document should remain under seal, address whether the document may be redacted, and propose a specific date when the document will be unsealed;
  - d. electronically file any supporting affidavits or exhibits, which may be filed under temporary seal; and
  - e. file in ECF and provide to chambers a proposed order sealing the document(s) and identifying a specific date the document(s) will be unsealed.
5. **Motion to Seal Denied.** If the court denies the motion to seal:
- a. within 7 days after entry of the order, the moving party may withdraw the temporarily sealed document by filing a notice of withdrawal;
  - b. the memorandum of law or affidavit and exhibits filed in support of the motion to seal will remain sealed if the sealed document is withdrawn or unsealed.
6. **Sealed Indictments.**
- a. **Single-Defendant Indictment.** Under LR 49.1(e)(1), if a single-defendant indictment is filed under seal, the clerk must unseal the case when:
    - i. the defendant makes an initial appearance, or
    - ii. the court orders the unsealing of the case.

b. **Multi-Defendant Indictment.** Under LR49.1(e)(2), if a multi-defendant indictment is filed under seal:

- i. the United States Attorney must, at or before the initial appearance of any defendant, publicly file a redacted indictment that discloses the charges against that defendant; and
- ii. the clerk must unseal a defendant's case when:
  - A. the United States Attorney files a redacted indictment that discloses the charges against that defendant, or
  - B. the court orders the unsealing of that defendant's case; and
- iii. the clerk must unseal the entire indictment when:
  - A. all defendants have made an initial appearance; or
  - B. the court orders the unsealing of the entire indictment.

7. **Extensions to Seal.** Under LR 49.1(f), extending the time a document is sealed requires a motion to extend. The motion to extend and supporting documents may be filed under seal. If the motion is denied, any motion and supporting documents filed under seal will not be unsealed. If the filing party would like the sealed document withdrawn, they must separately motion the court for such a remedy.

8. **Ex parte Documents.** Ex parte submissions and in camera review documents must be filed electronically. These documents will only be accessible by the filing party and the court.

## C. SERVICE OF PROCESS

1. Under [LR 5.4](#), a party may serve a paper under [Fed. R. Civ. P. 5\(b\)\(2\)\(E\)](#) by using ECF. Whenever a pleading or other paper is filed electronically in accordance with these procedures, ECF will generate a “Notice of Electronic Filing” (NEF).
2. Under [Fed. R. Cri. P. 49\(b\)](#), a party must serve on every other party any written motion (other than one to be heard ex parte), written notice, designation of the record on appeal, or similar paper and serve it in the manner provided for a civil action. Under [Fed. R. Civ. P. 5\(d\)\(1\)](#), any paper after the complaint that is required to be served – together with a certificate of service – must be filed within a reasonable time after service.
  - a. Under [LR 5.4](#), the NEF generated by ECF constitutes a certificate of service with respect to those persons to whom electronic notice of filing is sent, and no separate certificate of service need be filed with respect to those persons.
  - b. If service is not made through ECF, the filing party must file a certificate of service in ECF.<sup>5</sup> The certificate must state the manner in which service or notice was accomplished on each party so entitled. Certificates of service can be filed as a separate filing in ECF or as an attachment to another filing. Certificate of service forms are available on the “Court Forms” page of the court’s web site at [www.mnd.uscourts.gov](http://www.mnd.uscourts.gov).
  - c. When mailing paper copies of documents that have been electronically filed, the filer must include a copy of the NEF to provide the recipient with proof of the filing.
  - d. Documents filed conventionally must be served conventionally (i.e., in paper) by the filer on all parties entitled to service.

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<sup>5</sup> Attorneys may verify in ECF that a party is registered to receive email noticing before posting a filing in ECF. This is accomplished by selecting the “Utilities” menu. Located under the Miscellaneous heading, click on “Mailings.” Select “Mailing Info for a Case,” enter the case number, then “Submit.” If more than one case matches the case number a case verification window may appear. The “Electronic Mail List” and “Manual Mail List” are displayed.

## D. SIGNATURES

### 1. s/ Signature

- a. A pleading or other document requiring a signature must be signed in the following manner:

s/ Pat Attorney  
Pat Attorney  
Bar Number 12345  
Attorney for (Plaintiff/Defendant) XYZ Company  
ABC Law Firm  
123 South Street  
Minneapolis, MN 55415  
Telephone: (612) 555-5555  
Fax: (612) 555-5554  
emailaddress@domain.com

- b. Any party challenging the authenticity of an electronically filed document or the signature on that document must file an objection to the document within 14 days of service of the document.

2. **Non-Attorney/Third Party Signatures, Generally.** If the original document requires the signature of a non-attorney, the filer must obtain the original ink signature of the signatory before filing. The filer must then sign the electronic version of the document using the “s/signature” of the signatory (see [Section II.C.3.](#)) (see *below*).

**By filing the document, the attorney certifies that: (1) the document has been signed by all necessary people, including affiant and notary, if applicable; and (2) the ink signed originals exist and will be available in the certifying attorney’s office for inspection. <sup>6</sup> These documents should be retained in accordance with the retention rules required by the Eighth Circuit and the Federal Circuit.**

- a. This rule includes all notarized documents.
- b. The electronically filed document as it is maintained on the court’s servers constitutes the official version of that record.

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<sup>6</sup> This procedure applies when the third party document exists on the computer of the attorney or client. If so, after obtaining the ink signatures on a paper copy, the filer should affix “s/” signature(s) to the word processing version, convert the document to PDF, and post it on ECF. If the document is not available in electronic format, the ink signed paper version may be scanned and filed in ECF. Scanning, however, is not the preferred method.

- c. A non-filing signatory or party who disputes the authenticity of an electronically filed document with a non-attorney signature or the authenticity of the signature on that document must file an objection to the document within 14 days of service of the document.
  - d. Upon request, the original document must be made available for review.
  - e. Except for defendants' affidavits, all documents signed by a defendant must be filed electronically.
3. **Multiple Signatures.** The following procedure applies when a stipulation or other document (e.g., a joint motion, joint exhibit list, and 26(f) report) requires two or more signatures:
- a. The filer must initially confirm that the content of the document is acceptable to all signatories by obtaining their original signatures on the document.
  - b. The filer then must file the document electronically, indicating the signatories with an "s/signature" (e.g., "s/ Jane Doe," "s/ John Smith," etc.) for each signatory.

**By filing the document, the attorney certifies that: (1) the document has been signed by all necessary people, including affiant and notary, if applicable; and (2) the ink signed originals exist and will be available in certifying attorney's office for inspection.<sup>7</sup> These documents should be retained in accordance with the retention rules required by the Eighth Circuit and the Federal Circuit.**

- c. A non-filing signatory or party who disputes the authenticity of an electronically filed document containing multiple signatures or the authenticity of the signatures themselves must file an objection to the document within 14 days of service of the document.

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<sup>7</sup> This rule applies when the third party document exists on the computer of the attorney or client. If so, after obtaining the ink signatures on a paper copy, the filer should affix "s/" signature(s) to the word processing version, convert the document to PDF, and post it on ECF. If the document is not available in electronic format, the ink signed paper version may be scanned and filed in ECF. Scanning, however, is not the preferred method.

## E. FEES PAYABLE TO THE CLERK

1. Any fee required for filing a pleading or paper is payable to the Clerk of the Court by credit/debit card, check, money order, or cash. The Clerk's Office will document the receipt of fees on the docket sheet. The court will not maintain electronic billing, credit cards, or debit accounts for lawyers or law firms.
2. Secure, online payments may be made by a checking or savings account or by a credit or debit card as part of specific e-filing events through the U.S. Treasury's [Pay.gov](https://www.pay.gov) website. Pay.gov will not maintain credit card numbers or debit accounts for future billing.
3. ECF allows for electronic payment of fees in the following criminal events: **Notice of Appeal to the 8th Circuit, Motion for Pro Hac Vice Admission (Resident and Non-Resident Movant)**. Also, attorney re-registration fees may be made through ECF (under the Utilities menu).
4. Electronic payment of appeal fees and pro hac admission fees through Pay.gov is mandatory.
5. When using these events, the e-filer is prompted for electronic payment of the required filing fee. The e-filer's browser is automatically directed to the secure [Pay.gov](https://www.pay.gov) website, and credit/debit card billing information is entered. The payment transaction is seamlessly integrated in the ECF filing event, and a Pay.gov receipt number is automatically added to the filer's docket entry text.
6. The court does not maintain or have access to attorney credit card data through the ECF system.

## F. MOTION PRACTICE

Refer to [LR 7.1](#) for the briefing schedule for filing motions, responses, and replies on ECF.

1. Procedurally, attorneys should file their motions in the following order as separate docket entries:
  - a. Motion (each motion must be filed as a separate filing entry)
  - b. Memorandum of Law

- c. Affidavits and Exhibits\*
- d. Proposed Orders - see Part G below
- e. Certificate of Service of above documents (see "[Form B](#)")

**\*NOTE:** Exhibits may be attached to affidavits in one docket entry or filed separately. See the "*CM/ECF Criminal Manual for New Users*" (on the "CM/ECF" page of the Court's website at [www.mnd.uscourts.gov](http://www.mnd.uscourts.gov)) for step-by-step instructions on filing motions and related documents.

- 2. **Proposed Orders.** Proposed orders must be filed in ECF and sent by email to chambers. Refer to [Section II.G.](#) for guidance on filing proposed orders.
- 3. **Courtesy Copies.** Refer to [Section I.F.](#) for requirements on submitting courtesy copies to the Judge.
- 4. **Withdrawing a Motion.** The moving party may withdraw their motion by filing a letter to withdraw a motion on ECF. Do not send such letters in paper to chambers staff. The motion will be terminated by Clerk's Office staff upon receipt of the letter on ECF.
- 5. **Objections and Responses to Motions.** Within 14 days after being served with a copy of the Magistrate Judge's order, unless a different time is prescribed by the Magistrate Judge or a District Judge, a party may file and serve objections to the order.

*Certificate of Compliance.* Objections or a response to objections must be accompanied by a certificate executed by the party's attorney, or by an unrepresented party, affirming that the document complies with the limits in [LR 72.2\(d\)\(1\)](#) and with the type-size limit of [LR 72.2\(d\)\(2\)](#).

## G. ORDERS

### 1. Orders Issued by the Court

- a. **Generally.** The Court must electronically file all signed orders.
- b. **Conventional Service of Orders.** When the Clerk's Office mails paper copies of an electronically filed order to a party who is not receiving service through ECF, the Clerk's Office will include a copy of the Notice of Electronic Filing (NEF) to provide the non-participant with proof of the filing.

c. **Text-Only Orders.** The assigned District or Magistrate Judge or the Clerk's Office, if appropriate, may issue routine orders or notices by a text-only docket entry for which ECF will generate an NEF and email notification to parties on ECF. In such cases, no PDF document will be attached. In such circumstances, the text-only entry will constitute the Court's only filing on the matter. Copies of NEFs for the text-only docket entry will be sent in hard copy to those not using ECF.

2. **Proposed Orders.** Proposed orders must be submitted as outlined below.

a. Proposed orders must not be combined with the motion into one document. Rather, the motion must be filed first on ECF, and then the proposed order must be filed separately in ECF and sent by email to chambers. The proposed order must refer to the document number that ECF assigns to the motion when the motion is electronically filed.

b. So that the court may have the flexibility to edit proposed orders, all proposed orders must be submitted to chambers in a word processing format. Judges will not accept proposed orders in PDF format. Each Judge requires the proposed order to be submitted in either MS-Word® or WordPerfect® format. If you do not currently have MS-Word or WordPerfect, you may select the "Save As" option in most word processing software and rename the document with a *.wpd* (WordPerfect) or *.doc* (MS-Word) extension. You may also save a document in Rich Text Format with an *.rtf* extension.

c. A proposed order must be sent via Internet email as an attachment to the email address of the chambers of the Judge hearing the motion. When sending the document by email, please include "Proposed Order - short case title and case number" (e.g., "Proposed Order - USA v. Smith -03cr100") in the subject line.

d. The individual chambers' email addresses are as follows:

**Email Addresses for Submitting Proposed Orders:**

Chief Judge Tunheim	<a href="mailto:tunheim_chambers@mnd.uscourts.gov">tunheim_chambers@mnd.uscourts.gov</a>
Judge Ericksen	<a href="mailto:joanericksen_chambers@mnd.uscourts.gov">joanericksen_chambers@mnd.uscourts.gov</a>
Judge Schiltz	<a href="mailto:schiltz_chambers@mnd.uscourts.gov">schiltz_chambers@mnd.uscourts.gov</a>
Judge Nelson	<a href="mailto:nelson_chambers@mnd.uscourts.gov">nelson_chambers@mnd.uscourts.gov</a>
Judge Wright	<a href="mailto:wright_chambers@mnd.uscourts.gov">wright_chambers@mnd.uscourts.gov</a>
Sr. Judge Alsop	<a href="mailto:alsop_chambers@mnd.uscourts.gov">alsop_chambers@mnd.uscourts.gov</a>
Sr. Judge Magnuson	<a href="mailto:magnuson_chambers@mnd.uscourts.gov">magnuson_chambers@mnd.uscourts.gov</a>
Sr. Judge Doty	<a href="mailto:doty_chambers@mnd.uscourts.gov">doty_chambers@mnd.uscourts.gov</a>
Sr. Judge Kyle	<a href="mailto:kyle_chambers@mnd.uscourts.gov">kyle_chambers@mnd.uscourts.gov</a>
Sr. Judge Davis	<a href="mailto:davis_chambers@mnd.uscourts.gov">davis_chambers@mnd.uscourts.gov</a>
Sr. Judge Montgomery	<a href="mailto:montgomery_chambers@mnd.uscourts.gov">montgomery_chambers@mnd.uscourts.gov</a>
Sr. Judge Frank	<a href="mailto:frank_chambers@mnd.uscourts.gov">frank_chambers@mnd.uscourts.gov</a>
Mag. Judge Noel	<a href="mailto:noel_chambers@mnd.uscourts.gov">noel_chambers@mnd.uscourts.gov</a>
Mag. Judge Brisbois	<a href="mailto:brisbois_chambers@mnd.uscourts.gov">brisbois_chambers@mnd.uscourts.gov</a>
Mag. Judge Rau	<a href="mailto:rau_chambers@mnd.uscourts.gov">rau_chambers@mnd.uscourts.gov</a>
Mag. Judge Leung	<a href="mailto:leung_chambers@mnd.uscourts.gov">leung_chambers@mnd.uscourts.gov</a>
Mag. Judge Bowbeer	<a href="mailto:bowbeer_chambers@mnd.uscourts.gov">bowbeer_chambers@mnd.uscourts.gov</a>
Mag. Judge Thorson	<a href="mailto:thorson_chambers@mnd.uscourts.gov">thorson_chambers@mnd.uscourts.gov</a>
Mag. Judge Menendez	<a href="mailto:menendez_chambers@mnd.uscourts.gov">menendez_chambers@mnd.uscourts.gov</a>
Mag. Judge Schultz	<a href="mailto:schultz_chambers@mnd.uscourts.gov">schultz_chambers@mnd.uscourts.gov</a>
Mag. Judge Huseby	<a href="mailto:huseby_chambers@mnd.uscourts.gov">huseby_chambers@mnd.uscourts.gov</a>

- e. Proposed orders must be sent to either the District Judge or the Magistrate Judge who will hear the motion. Do not send the proposed order to both Judges.
3. **Stipulations.** Stipulations must be filed in ECF by one attorney.
- a. The filing attorney must follow instructions for filing documents requiring multiple signatures in [Section II.C.](#)
  - b. The Stipulation must not include a signature line for the judge.
  - c. The District or Magistrate Judge will rule on the stipulation with an order.
  - d. Filers must file a proposed order in ECF and send a proposed order to the District or Magistrate Judge ruling on the stipulation in accordance with the Proposed Orders procedures listed in [Section II.F.](#)

## H. TRIAL DOCUMENTS

Trial documents, such as proposed jury instructions, exhibit lists, and voir dire questions should be electronically filed on ECF. The presiding judge may also require that a MS-Word or WordPerfect version of these documents be sent to the chambers email address (*see listed above*) after the ECF filing. The additional request for a word processing version will be written in the pretrial order of the judge or communicated informally.

## I. TITLE OF DOCKET ENTRIES

The registered user who electronically files a document is responsible for designating an appropriate docket entry title by using one of the docket event categories prescribed by the court. For assistance in designating an appropriate docket entry, contact the Help Desk at 1-866-325-4975. See [Section I.B.](#) for more information.

## J. CORRECTING DOCKET ENTRIES

1. After a document is filed electronically, corrections to the docket must only be made by the Clerk's Office. ECF will not permit the filer to make changes to the document(s) or docket entry once the transaction has been submitted.
2. Documents filed in error in the correct case (e.g., wrong version of the document attached, wrong event code, etc.) must remain part of the record as filed. Upon discovery of error, the filer must:

- a. Call the Clerk's Office Help Desk at 1-866-325-4975 or reply to the e-notice and identify the error. Clerk's Office staff will edit the docket text of the incorrect entry indicating "DOCUMENT FILED IN ERROR" in all caps at the beginning of the docket entry.
  - b. Immediately file the correct document in the case on ECF, and modify the title of the pleading as appropriate (e.g., "Amended," "Substituted," "Corrected").
3. If a document is filed in the wrong case, the filer must
- a. Immediately call the Help Desk at 1-866-325-4975 or reply to the e-notice, to notify the Clerk's Office of the error.

The Clerk's Office will edit the docket text of the incorrect entry indicating, "DOCUMENT RESTRICTED - FILED IN WRONG CASE" at the beginning of the docket entry.

- b. File the document in the correct case.

## K. TECHNICAL DIFFICULTIES

### 1. Generally

- a. Notification of planned system outages will be announced on the web site.
- b. A filer who has a deadline and cannot file a document electronically because of a technical difficulty (e.g., ECF is down, internet service is down, law firm server malfunction, etc.) may do one of the following:
  - i. Fill out the "ECF Form Declaration of Technical Difficulties," which is available on the "Court Forms" page of the court's web site at [www.mnd.uscourts.gov](http://www.mnd.uscourts.gov). The form is required to explain what the technical difficulties were and why the filing is untimely. Serve courtesy copies on the Court and parties entitled to service. File the document in ECF as soon as possible once the difficulty is resolved. Attach to the filing the "ECF Form Declaration of Technical Difficulties."
  - ii. Contact chambers to request an extension of time to file due to technical difficulties.

- iii. Submit the document in paper to the Clerk's Office for filing. Documents filed conventionally are due in the Clerk's Office before 5:00 p.m. Central Time on the due date.

## **L. HYPERLINKS IN DOCUMENTS**

1. Electronically filed documents may contain the following types of hyperlinks:
  - a. Hyperlinks to other portions of the same document; and
  - b. Hyperlinks to a location on the Internet that contains a source document for a citation.
  - c. Hyperlinks to other documents filed within the ECF system in all Federal Courts.
2. Hyperlinks to personal websites, inclusive of law firms, are strictly forbidden.
3. Hyperlinks to cited authority may not replace standard citation format. Complete citations must be included in the text of a filed document. Neither a hyperlink, nor any site to which it refers, must be considered part of the record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document.
4. A user cannot access a hyperlink to a restricted document (e.g., a private entry, sealed document) unless the user has appropriate permissions.

*The court accepts no responsibility for, and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked. The court accepts no responsibility for the availability or functionality of any hyperlink.*

### III. PRIVACY PROTECTION FOR FILINGS MADE WITH THE COURT

#### A. IN GENERAL

The Court accepts electronically filed pleadings and makes the content of those pleadings available on the court's website via ECF and PACER. Any subscriber to PACER will be able to read, download, store and print the full content of documents filed electronically with the court, including criminal documents filed after November 1, 2004. Documents filed under seal or restricted will not be available via the Internet and PACER.

#### B. INFORMATION TO BE REDACTED

##### 1. Generally.

Under [Fed. R. Crim. P. 49.1\(a\)](#), unless the court orders otherwise, an electronic or paper filing with the court that contains an individual's social-security number, taxpayer-identification number, or birth date, the name of an individual known to be a minor, or a financial-account number, or the home address of an individual, the party or nonparty making the filing may include only:

- a. The last four digits of the social-security number and taxpayer-identification number;
- b. The year of the individual's birth;
- c. The minor's initials;
- d. The last four digits of the financial-account number; and
- e. The city and state of the home address.

2. In addition, exercise caution when filing documents that contain the following:

- a. Personal Identifying Number (e.g., driver's license number);
- b. Medical Records, Treatment and Diagnosis;
- c. Employment History;
- d. Individual Financial Information;
- e. Proprietary or Trade Secret Information.

**3. Exemptions.**

Under [Fed. R. Crim. P. 49.1\(b\)](#), the redaction requirements do not apply to the following:

- a. A financial-account number or real property address that identifies the property allegedly subject to forfeiture in a forfeiture proceeding;
- b. The record of an administrative or agency proceeding;
- c. The official record of a state-court proceeding;
- d. The record of a court or tribunal, if that record was not subject to the redaction requirement when originally filed;
- e. A filing covered by [Rule 49.1\(d\)](#) ; and
- f. A pro se filing in an action brought under [28 U.S. C. §§ 2241, 2254, or 2255](#).
- g. A court filing that is related to a criminal matter or investigation and that is prepared before the filing of a criminal charge or is not filed as part of any docketed criminal case;
- h. An arrest or search warrant; and
- i. A charging document and an affidavit filed in support of any charging document.

4. **Waiver of Protection of Identifiers.** A person waives the protection of [Rule 49.1 \(a\)](#) as to the person's own information by filing it without redaction and not under seal. [Fed. R. Crim. P. 49.1\(h\)](#).

**C. EXCEPTIONS**

**1. Pretrial Exhibits.**

- a. Pretrial Exhibits need not be redacted.
- b. Exhibits received in evidence during motion hearings must be filed with the Magistrate Judge hearing the motion and must not be filed with the Clerk. Pretrial exhibits will be retained in chambers by the Magistrate Judge hearing the motion.

## D. ENFORCEMENT

It is the sole responsibility of counsel and the parties to ensure that all pleadings comply with the rules of this court requiring redaction of personal identifiers. The Clerk will not screen documents for redaction and will not reject documents solely on the basis that the documents contain personal identifiers.

## E. FILING UNREDACTED DOCUMENTS UNDER SEAL

1. Under [Fed. R. Crim. P. 49.1\(f\)-\(g\)](#), a person making a redacted filing may also file:
  - a. An unredacted copy of the document under seal without seeking leave of the court in accordance with [Section V.D.](#) regarding filing documents under seal; or
  - b. A reference list<sup>20</sup> under seal without seeking leave of the court in accordance with [Section V.D.](#) regarding filing documents under seal. The reference list must contain the complete personal identifier(s) and the redacted identifier(s) used in its place in the filing.
2. If filing an unredacted original under seal, the filer must:
  - a. Clearly state one of the following in the document heading:
    - i. SEALED PURSUANT TO FED. R. CRIM. P. 49.1- UNREDACTED ORIGINAL (Redacted Document filed in ECF as Document # [number]); or
    - ii. SEALED PURSUANT TO FED. R. CRIM. P. 49.1 - REFERENCE LIST (Redacted Document filed in ECF as Document # [number]).
  - b. File the sealed unredacted original or reference list electronically on ECF.

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<sup>20</sup> Form for the Reference List is available on the court's website at <http://www.mnd.uscourts.gov/>.

## IV. TRANSCRIPTS

Transcripts of this court's proceedings must be filed and noticed electronically in ECF pursuant to [LR 80.1](#) unless specifically ordered otherwise by the Court. Please see the "Policy for Electronic Access to Transcripts of Court Proceedings" at: [www.mnd.uscourts.gov/cmecf/procedure\\_guides.shtml](http://www.mnd.uscourts.gov/cmecf/procedure_guides.shtml)

### A. ACCESS TO TRANSCRIPTS

Under [LR 80.1\(b\)](#), ECF and PACER access to electronically filed transcripts is subject to a 90-day restriction period

1. During this 90-day period, copies of the transcript may only be purchased from the court reporter.
2. Court staff, public terminal users, and attorneys of record or parties who have purchased the transcript will have access to the transcript in ECF during the 90-day restriction period.
3. PACER fees will apply at all times when the transcript is remotely accessed electronically.

### B. REDACTION OF TRANSCRIPTS

Electronically filed transcripts are subject to the redaction requirements of [LR 5.5](#), [Fed. R. Crim. P. 49.1](#) and [Fed. R. Civ. P. 5.2](#).

1. Attorneys of record, including attorneys serving as "standby" counsel and unrepresented parties are responsible to request redaction of personal identifiers under [LR 5.5](#).
2. A "Notice of Intent to Request Redaction" must be filed within 7 days after the transcript was filed.
3. A "Statement of Redaction" must be filed within 21 days after the transcript was filed. See [LR 5.5](#) for specific instructions.
4. The redacted transcript will be filed by the court reporter 31 days after the original transcript was filed.
5. Extensions of redaction deadlines may only be granted by court order.

### C. TRANSCRIPT AVAILABILITY

Transcript availability after the 90-day restriction period:

1. The original transcript or the redacted transcript if redaction occurred will be available via the court reporter, Clerk's Office, or PACER, unless otherwise ordered by the Court.
2. If redaction occurred, the Clerk will maintain the original un-redacted electronic version of the transcript, which will be available for viewing at the Clerk's Office.

## V. CONVENTIONAL FILING OF DOCUMENTS

The following procedures govern documents filed conventionally (i.e., in paper).

### A. IN GENERAL

1. **Leave of Court Required.** A party must seek leave of the court to file a document conventionally if leave is not already so provided by these procedures ([see Part B below](#)).
2. **Leave of Court Not Required.** A party may conventionally file the following without seeking leave of the court.
  - a. Items that cannot be converted to electronic form (e.g., video tape, audio tape, etc.);
  - b. Charging instruments (see [Section II.A.2.](#));
  - c. Documents filed in sealed cases (see [Section V.D.](#));
3. **Timeliness.** Documents filed conventionally are due in the Clerk's Office before 5:00 p.m. Central Time on the due date.

### B. OBTAINING LEAVE TO FILE CONVENTIONALLY<sup>21</sup>

To request permission to file certain documents conventionally:

1. Complete and file an "Application to File Certain Documents Conventionally" which is available on the "Court Forms" page of the court's web site at [www.mnd.uscourts.gov](http://www.mnd.uscourts.gov).
2. The application must be filed in ECF and approved before the filing due date.
3. Please complete the form with a detailed description why you are unable to file the documents electronically. The most common reason for filing this application is for voluminous exhibits (see [Section VI](#)).
4. The filer must allow 7 days for the assigned Magistrate Judge to review this request.
5. The Magistrate Judge will issue an order granting or denying the application.

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<sup>21</sup> This form should not be used to request permission to file under seal. See Part D.

## C. FILING CONVENTIONALLY

If leave to file material(s) conventionally is granted, or if filing items or documents which do not require leave of the court to file conventionally. (NOTE: This Part does not apply to documents filed under seal in criminal cases, please see [Part D](#) for information regarding filing documents under seal conventionally in a criminal case):

1. The conventional filing placeholder (available on the “Court Forms” page of the court’s website at [www.mnd.uscourts.gov](http://www.mnd.uscourts.gov) ) must be filed in ECF in place of the material(s) being filed conventionally, and is intended to show, in ECF, the existence of items that reside in the Clerk’s Office.

**EXAMPLE:** If filing an audio exhibit conventionally, file the placeholder as if it is the exhibit - using the “Exhibit” event - but instead of attaching the exhibit, attach the placeholder.

2. The Notice of Electronic Filing (NEF) and the conventional filing placeholder must be attached to the outside of the envelope of the conventionally filed document(s).
3. The conventionally filed materials must be placed in an envelope, and must be tabbed, two-hole punched and fastened with tongs at the top.
4. The original materials must be filed with the Clerk’s Office before 5:00 p.m. on the due date.
5. Mail or deliver the COURTESY COPIES (with a copy of the NEF and conventional filing placeholder attached) pursuant to [Section I.F.](#) for the District or Magistrate Judge handling the matter in a separate envelope.
6. Conventionally filed materials must be served conventionally, with a copy of the NEF, by the filer on all parties who are entitled to service. The e-notice of the court’s receipt of these materials does not constitute service.
7. A Certificate of Service must be filed in ECF for all conventionally filed materials.
8. The Clerk will note receipt of the conventionally filed original materials on the record.

## D. FILING CASES UNDER SEAL

### 1. Sealed Cases.

- a. A case filed under seal will remain sealed, until the assigned district judge or magistrate judge orders the case unsealed or as specified in LR 49.1(e) for sealed multi-defendant indictments.
- b. All paper documents delivered to the Clerk's Office will be electronically filed in the sealed case, and will only be accessible by the Court.
- c. Any documents filed after the unsealing of the case must be filed electronically.

### 2. Juvenile Criminal Matters.

- a. All juvenile criminal matters are sealed and are not accessible via the Internet, only to the Court.
- b. Documents in juvenile criminal matters must be filed conventionally unless, after a hearing, the court rules that the juvenile will be tried as an adult.
- c. All paper documents delivered to the Clerk's Office will be electronically filed in the juvenile's case, and accessible only by the Court.
- d. Any documents filed after the unsealing of the case must be filed electronically.

## VI. VOLUMINOUS DOCUMENTS

### A. MAXIMUM FILE SIZE

The maximum file size limit for uploading individual documents (including exhibits) filed in ECF is 35 MB (35,840 KB) per PDF document. The combined file size of PDFs being uploaded technically does not have a limit and will be determined by your internet speed. However, the court recommends limiting the combined file size to a total of 350 MB (358,400 KB), i.e., 10 PDFs at 35 MB each, which is the maximum file size that is possible to be downloaded at one time.

1. Before filing, the PDF file size should be checked by locating the file in Windows Explorer, then right-clicking on the file and choosing “Properties.”
2. Any document which exceeds thirty-five megabytes (35 MB or 35,840 KB) in size:
  - a. Must be broken down into separate components (PDF files) of thirty-five megabytes (35 MB) or less, and
  - b. Each component must be filed in ECF as a separate attachment with the file containing the first page of the large document attached as the “Main document” or as the first attachment to the main document.
  - c. The filer must label each component document clearly when attaching it in ECF (e.g., “Exhibit A-1 - Copy of Affidavit of John Doe pgs. 100-200”).
3. The practical cumulative limit when viewing all or downloading all documents in a single entry is 60 MB.

### B. LEGIBILITY

Filers are required to verify that PDF documents are legible before the documents are filed electronically with the court.

### C. LEAVE TO FILE CONVENTIONALLY

A party may seek leave of the Court to conventionally file documents that are too lengthy to electronically image (i.e., “scan”). See procedures in [Section V.B.](#) for further information.

## VII. EXHIBITS

### A. PDF DOCUMENT FILE SIZE LIMIT

Pursuant to [Section VI](#), exhibit documents must not exceed thirty-five megabytes (35 MB or 35,840 KB) per PDF document.

### B. SCANNING DOCUMENTS

1. Scan documents at 300 dpi in black and white whenever possible.
2. Filers must verify that scanned documents are legible before the documents are filed electronically with the court.
3. Text -searchable scanned PDF documents are preferred, but not required.

### C. EXHIBIT INDEX

The filer must prepare and post to ECF an Exhibit Index, unless the affidavit or another document serves the same purpose as an index.

1. The index must either be filed as the “main document” if filing under the “Exhibit” event code, or as the first attachment to the main document if filed as an attachment to the pleading.
2. The following is a sample Exhibit Index:

#### Exhibit Index

<b>A</b>	Copy of Affidavit of John Smith
<b>B</b>	Excerpts from Jane Doe’s Deposition
<b>C-1</b>	Contract Between XYZ Company and ABC Company (Part 1, Pages 1-15)
<b>C-2</b>	Contract Between XYZ Company and ABC Company (Part 2, Pages 16-24)
<b>D</b>	XYZ Company General Ledgers

**D. ATTACHMENTS**

Each exhibit may be attached as a separate attachment to the main document or exhibits may be combined into 35 MB components and attached to the main document in “Attachments to Document” in ECF.

**E. CONVENTIONAL FILING**

For conventional filing of exhibits, see [Section V](#).

**F. PRETRIAL EXHIBITS**

See [Section III.C.2](#).

## VIII. PUBLIC ACCESS TO THE SYSTEM DOCKET

### A. PUBLIC ACCESS AT THE COURT

Electronic access to ECF is available to the public at no charge at the Clerk's Office during regular business hours. A copy fee for electronic reproduction of documents is required in accordance with [28 U.S.C. § 1914](#).

### B. INTERNET ACCESS

Remote electronic access to ECF is limited to subscribers to the Public Access to Court Electronic Records (PACER) system. The Judicial Conference of the United States has established 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, as well as calendars and similar general information.

### C. FREE ACCESS TO WRITTEN OPINIONS

Pursuant to the E-Government Act of 2002, written opinions, in all cases, as designated by the authoring judge, must be available to the public on PACER or on the public terminals in the Clerk's Office at no charge.

### D. CONVENTIONAL COPIES AND CERTIFIED COPIES

Conventional copies and certified copies of electronically filed documents may be purchased at the Clerk's Office. The fee for copying and certifying is assessed in accordance with [28 U.S.C. § 1914](#).