

# ***SEALED & EX PARTE E-FILING GUIDELINES*** ***(Criminal Cases)***

## **Filing an Ex Parte Motion**

The “Ex Parte Motion” event is located under the “Motions and Related Filings” category of criminal events. When using the “**Ex Parte Motion**” event, the e-filer will be given two options, as follows:

### **Ex Parte (No NEF) Investigative/Expert/Other Services (No NEF)**

Use the “**Ex Parte (No NEF)**” event to e-file any type of *ex parte* motion that does not request authorization to obtain investigative, expert, or other services. **The event is not sealed**, and will be available for viewing on the public docket via PACER on the following business day. The event will not generate a NEF to the filer or to opposing counsel.

Use the “**Investigative/Expert/Other Services (No NEF)**” event to e-file any motion for such services that does not need to be filed under seal, e.g., a request for interpreter or paralegal services. **The entry is not sealed, but is restricted to electronic viewing by court users only.** The event will not generate a NEF to the filer or to opposing counsel. Any counsel of record may view this document by physically visiting the Clerk’s Office and making a request. *If the filer prefers that an ex parte motion for investigative/expert or other services be filed under seal and completely unavailable for viewing by opposing counsel, use the “Sealed Ex Parte Motions” option under the “Sealed Documents” category of events and select “Sealed Ex Parte Motion to Seal Ex Parte Document”.*

## **Filing Sealed Documents**

**IMPORTANT!** These procedures apply to documents intended for e-filing under seal in a non-sealed case. E-filing is not permitted in sealed cases. Documents intended for filing in sealed cases must be submitted in paper form.

Other than as described herein, a filer generally may not file anything under seal without leave of court. However, the motion seeking leave to file a proposed document under seal will be filed under seal. Please note that only a registered user who is properly associated with the affected case can e-file a sealed or proposed sealed document in that case.

Following is a description of the various event options, all of which can be found under the “Sealed Documents” category to use in conjunction with sealed e-filing:

- Sealed Motions (To Seal Case or Doc Only)  
***This event is solely for the purpose of seeking leave to file a separate document under seal or to request that the entire case be sealed.** This motion will automatically be filed under seal. If requesting to seal another, separate document, the proposed sealed document must be lodged using the “Sealed Lodged Proposed Documents” event described below.*
- Sealed Lodged Proposed Documents  
***Use this event, which is sealed, to lodge the document to which the motion to seal, described above under “Sealed Motions (To Seal Case or Doc Only)”, relates** When prompted, describe the proposed sealed document and be prepared to enter the document number of the related motion to seal. (Note: If the judge grants the motion to file the proposed document under seal, the Clerk will do so. If the motion is denied, the lodged proposed document remains under seal and will not be considered. The filer has the option of resubmitting the document in the public record.)*
- Sealed Ex Parte Motion to Seal (To Seal Doc Only)  
***Use this event to request leave to file an ex parte document under seal.** In effect, this is an ex parte motion to file an ex parte motion (or other document) under seal. For example, do not use this event to file a sealed ex parte motion for investigator. Instead, use this event to move for leave to file the ex parte motion for investigator under seal, i.e., select “Sealed Ex Parte Motions”, then select “Sealed Ex Parte Motion to Seal Ex Parte Document.” Append the ex parte motion to seal and, when prompted, type in “ex parte motion for investigator” and any other relevant language to the docket text. The Ex Parte Motion for Investigator itself should be lodged using the separate event, “Sealed Ex Parte Lodged Proposed Documents.”*
- Sealed Ex Parte Lodged Proposed Documents  
***Use this event to lodge the document to which the ex parte motion to seal, described above under “Sealed Ex Parte Motions”, relates.** For example, if the filer wishes to submit an ex parte motion for investigator under seal, a “Sealed Ex Parte Motion” should first be filed asking the court to authorize the sealed filing of the ex parte motion for investigator. Then, the actual ex parte motion for investigator may be lodged under seal using the “Sealed Ex Parte Lodged Proposed Documents” event. When prompted, describe the document (Sealed Ex Parte Motion to For Investigator), and also be prepared to enter the document number of the related motion to seal the ex parte lodged proposed document. (Note: If the judge grants the motion to file the proposed document under seal, the Clerk will do so. If the motion is denied, the lodged proposed document remains under seal and will not be considered. The filer has the option of resubmitting the document in the public record.)*

- Sealed Other Documents

**Use this event to file under seal a response or reply to a motion only if the court had previously and specifically granted leave for the related motion to be filed under seal.**

### **Availability and Noticing of Sealed Documents**

**Sealed Ex Parte Documents:** Any document electronically filed in a **criminal case** via an event labeled ***Sealed Ex Parte*** (e.g., **Sealed Ex Parte Lodged Proposed Documents**) will not be available for viewing by any attorney or member of the public. The docket text entry and the document itself are sealed and unavailable for access through PACER or at the courthouse. No NEF will issue when e-filing these events.

**Sealed Documents Filed in Criminal Cases:** Any non-*ex parte* document electronically filed in a **criminal case** via an event labeled ***Sealed*** (e.g., **Sealed Lodged Proposed Documents**) will be unavailable for viewing by any attorney or member of the public. The docket text entry and document itself are sealed and unavailable for access through PACER or at the courthouse. No NEF will issue when e-filing these events. When e-filing these documents, counsel must serve copies on opposing counsel by mail.