



**ELECTRONIC CASE FILING  
ADMINISTRATIVE POLICIES  
AND PROCEDURES MANUAL**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

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**District of Arizona**  
**Case Management/Electronic Case Filing**  
**Administrative Policies and Procedures Manual**

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## I. THE ELECTRONIC FILING SYSTEM

### A. DEFINITIONS

**CASE MANAGEMENT/ELECTRONIC CASE FILING SYSTEM**, referred to in these procedures as the system or ECF, means the Internet-based system for filing documents and maintaining court case files in the United States District Court for the District of Arizona.

**DOCUMENT** means pleadings, motions, exhibits, declarations, affidavits, memoranda, papers, orders, notices, and any other filing by or with the court.

**ELECTRONIC FILING** means uploading a document directly from the registered user's computer in "Portable Document Format" (.pdf), using the ECF system to file that document in the court's case file. Individual .pdf documents must not exceed five (5) megabytes (MB) in size with a maximum of 200 dots per inch (dpi). Mountain Standard Time applies to all filings.

Sending a document or pleading to the court via e-mail other than as described below does not constitute "electronic filing."

**INITIATING DOCUMENTS** include civil complaints, notices of removal, civil cover sheets, supplemental cover sheets, criminal indictments, superseding indictments, informations, complaints, petitions, notices to appear, summonses and warrants.

**NON-ELECTRONIC FILING** means, where permitted, submitting a document to the court in paper or other tangible form. Documents submitted in this manner will be scanned, uploaded, filed and maintained in the ECF system unless these procedures provide otherwise.

**NOTICE OF ELECTRONIC FILING**, referred to in these procedures as NEF, is a notice automatically generated by the ECF system at the time a document is filed with the court. The notice sets forth the time of filing, the name of the attorney/and or party filing the document, the type of document, the text of the docket entry, the name of the party and/or attorney receiving the notice, and an electronic link (hyperlink) to the filed document which allows recipients to retrieve the document automatically.

**PACER** (Public Access to Court Electronic Records) is an automated system that allows a subscriber to view, print and download court case file information over the Internet for a fee.

**.pdf** refers to Portable Document Format, a proprietary file format developed by Adobe Systems, Inc. A document file created with a word processor, or a paper document which has been scanned, must be converted to Portable Document Format to be electronically filed with the court. Converted files contain the extension “.pdf”. Documents which exist only in paper form may be scanned into .pdf for electronic filing. Electronic documents must be converted to .pdf directly from a word processing program (e.g., Microsoft Word® or Corel WordPerfect®) and must be text searchable.

**REGISTERED USER** is an individual who has been issued a login and password by the court to electronically file documents.

**TECHNICAL FAILURE** is defined as a malfunction of court-owned/leased hardware, software, and/or telecommunications facility which results in the inability of a registered user to submit a filing electronically.

## **B. GENERAL POLICIES**

Unless otherwise permitted by these administrative procedures, Local Rules, or General Orders of the court, or unless otherwise specifically authorized by a judge, all documents submitted for filing in this district on or after August 1, 2005, must be electronically filed using ECF. Electronic transmission of a document to the ECF system, together with the transmission of a Notice of Electronic Filing from the court, constitutes filing of the document for purposes of Rule 5(e) of the Federal Rules of Civil Procedure, and constitutes entry of the document on the docket kept by the Clerk of Court under Rules 58 and 79 of the Federal Rules of Civil Procedure. When a document has been electronically filed, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed. This includes information transmitted to the court in electronic format or converted by the court from paper submissions.

1. The Clerk's Office will not maintain a paper court file in any case filed on or after August 1, 2005, except as otherwise provided by these procedures.
2. Registration in the ECF system is mandatory for attorneys.
3. Electronic filing is expected for all attorneys beginning August 1, 2005.
  - a. It is the responsibility of the filing party to maintain an electronic mailbox of sufficient capacity to receive electronic notice of case-related transmissions.
  - b. After leave to appear *pro hac vice* has been granted, attorneys shall have five (5) days to register for electronic filing.

- c. If an attorney fails to file electronically and does so without leave of court, he or she must also file a ["Notice of Non-Compliance with Mandatory Electronic Filing"](#) setting forth the reason(s) for filing in non-electronic form.
- d. An attorney may apply to the assigned judge for permission to file documents in paper form (if no judge has been assigned to the matter, the application would go to the senior administrative judge in the division in which it is filed). Attorneys must show good cause in each case to file and serve using non-electronic filing. Permission for non-electronic filing may be withdrawn at any time by the court and the attorney may be required to file documents using the ECF system.

A copy of the exemption order must be shown to the clerk when filing in paper form. If the exemption order applies to a particular document(s), the filer must electronically file a "Notice of Filing" that describes the paper filing, as well as provide the clerk with a copy of the Notice when presenting the document(s) for filing in paper form.

- 4. Documents submitted for filing in the ECF system must be in a Portable Document Format (.pdf). Documents which exist only in paper form may be scanned into .pdf for electronic filing. All electronic documents must be converted to .pdf directly from a word processing program (e.g., Microsoft Word® or Corel WordPerfect®) and must be text searchable.
- 5. If documents are accepted for filing in paper form, it is the responsibility of the filer to ensure the paper document can be scanned with a legible image. The court encourages such documents to be black print on white paper for maximum contrast. The court may strike filings that are illegible or unable to be scanned.
- 6. A judge of this court may deviate from these procedures in specific cases, without prior notice, if deemed appropriate for the just, speedy, and inexpensive determination of matters pending before the court.
- 7. The court may amend these procedures at any time.

## **C. REGISTRATION**

Before filing in this court, all attorneys in good standing must register for the ECF system by completing the on-line [registration form](#).

Registration permits filing and retrieval of documents and constitutes consent to electronic service of documents by e-mail, as provided by the Federal Rules of Civil Procedure. An attorney may register up to two (2) additional e-mail addresses.

Upon confirmation of the e-mail address, the attorney's login and password will be sent by e-mail.

An attorney whose e-mail address, mailing address, telephone or fax number has changed must file a timely notification of the changes in each active case.

If any attorney is suspended or disbarred from practice from this Court, his or her ECF account access will be suspended as well. If reinstated, the attorney must re-register.

## **D. LOGINS AND PASSWORDS**

Each attorney who completes registration will be issued one login and password. Documents filed under an attorney's login and password will constitute that attorney's signature for purposes of the Local Rules and Federal Rules of Civil and Criminal Procedure, including Rule 11 of the Federal Rules of Civil Procedure. Therefore, only one password will be issued and the attorney should not permit the password to be used by anyone other than an authorized agent. The attorney is responsible for all documents filed with his or her password.

If a registered user believes the security of an existing password has been compromised, the user must change the password immediately through the ECF system utility menu and must immediately notify the Clerk's Office.

## **E. PRIVACY**

### **1. Redacted Documents**

Unless otherwise ordered by the court, parties must refrain from including, or must partially redact where inclusion is necessary, the following personal identifiers from all pleadings and documents filed with the court, including exhibits thereto:

- a. Social Security numbers. If an individual's Social Security number must be included in a pleading or document, only the last four (4) digits of that number should be used.
- b. Names of minor children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.
- c. Dates of birth. If an individual's date of birth must be included in a pleading or document, only the year should be used.
- d. Financial account numbers. If financial account numbers are relevant, only the last four digits of these numbers should be used.
- e. Home address (Criminal Cases Only.) If a home address must be included in a document filed in a criminal case, only the city and state should be listed.

The responsibility for redacting personal identifiers rests solely with the parties. The Clerk's Office will not review each document for compliance with this rule.

## **2. Unredacted Documents**

A party filing a document(s) containing the personal identifiers listed above may also file a reference list under seal. The reference list must contain the complete personal identifier(s) and the redacted identifier(s) used in its (their) place 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 personal identifier. The reference list must be filed under seal, and may be amended as of right. The court may still require the party to file an unredacted copy of the document under seal.

## II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

### A. FEES PAYABLE TO THE CLERK

Any filing fee required for filing a document in District Court is payable to the Clerk through Pay.Gov, which is part of the case opening event.

1. A receipt number will be included as part of the initial docket entry.
2. The Clerk's Office will not maintain billing or debit accounts for lawyers or law firms.
3. If payment is not accepted by Pay.Gov, the ECF system will not complete the transaction and the case will not be opened.

### B. FILING NEW CASES

#### 1. **Civil Complaints, Notice of Removal or Other Initiating Documents in a Civil or Miscellaneous Case Filed by Attorneys**

Sealed cases must be submitted in paper. All other initial case filings in civil actions must be opened electronically as a new case. After the case is opened, the initial pleading, with the [Civil Cover Sheet \(JS-44\)](#) and a summons for each defendant (excluding fictitious defendants) as attachments, must be docketed. A notice of removal (including a copy of the state court record) will be handled similarly, including a [Supplemental Civil Cover Sheet](#) as an attachment. Miscellaneous cases will also be opened electronically, without the Civil Cover Sheet (JS-44). A PACER inquiry can be made at any time after the case is opened to obtain the judge assignment. However, after the case is received by the Clerk's Office, a text-only entry will issue advising the filer of the judge assignment.

**For a party requesting an immediate hearing on a motion for temporary restraining order, they may come to Customer Service AFTER opening the case and filing the complaint and related documents. Counsel should bring courtesy copies of all documents for the judge.**

Unregistered attorneys applying to appear *pro hac vice* must file a motion/application for *pro hac vice* including an original Certificate of Good Standing. The documents, along with payment of the requisite fee must be delivered to the Clerk's Office in Phoenix, Attention: Attorney Admissions Clerk. After leave to appear *pro hac vice* has been granted, the attorney shall have five (5) days to register for electronic filing.

Registered attorneys who wish to enter a new *pro hac vice* appearance must file electronically the motion/application for *pro hac vice* and supporting documentation, a scanned, .pdf copy of the original Certificate of Good Standing, and any other document(s) to be filed in the case. The attorney must also submit the *pro hac vice* admission fee at that time by calling the Clerk's Office to pay by credit card over the telephone.

## **2. Criminal Complaints, Indictments**

Complaints must be presented to the duty magistrate judge in paper form. The Clerk's Office will scan the complaint and open the case.

The U.S. Attorney's Office will submit the indictment, along with a redacted version of the indictment in paper form during the Grand Jury return. The Clerk's Office will scan the documents and open the criminal case.

New criminal cases are deemed filed the day the Clerk's Office receives the initiating document. The U.S. Attorney's Office will be notified electronically when the new case has been opened and assigned a case number and judge.

## **3. Pro Se Filers**

Unless otherwise authorized by the court, all documents submitted for filing to the Clerk's Office by parties appearing without an attorney must be in legible, paper form. The Clerk's Office will scan and electronically file the document.

A pro se party seeking leave to electronically file documents must file a [motion](#) and demonstrate the means to do so properly by stating their equipment and software capabilities in addition to agreeing to follow all rules and policies referred to in the ECF Administrative Policies and Procedures Manual. If granted leave to electronically file, the pro se party must register as a user with the Clerk's Office and as a subscriber to PACER within five (5) days.

A pro se party must seek leave to electronically file documents in each case filed. If an attorney enters an appearance on behalf of a pro se party, the attorney must advise the Clerk's Office to terminate the login and password for the pro se party.

## **C. SIGNATURES**

### **1. Registered Users**

The registered user log-in and password required to submit documents to the ECF system will serve as that registered user's signature for purposes of Rule 11 of the Federal Rules of Civil Procedure and for all other purposes under the Federal Rules of Civil, Criminal and Appellate Procedure and the Local Rules of this court. The name of the ECF registered user under whose log-in and password the document is submitted must be preceded by a "s/" and typed in the space where the signature would otherwise appear.

### **2. Non-Registered Signatories**

Except as provided in II,D.3 for certificates of service, if the original document requires the signature of a non-registered signatory, the filing party must scan and electronically file the original document. The electronically filed document maintained on the court's servers will constitute the official version of that record. The filing party must retain the original document for the duration of the case, including any period of appeal.

### **3. Multiple Signatures**

The filer of any document requiring more than one signature, such as a stipulation, must assure that the content of the document is acceptable to all persons required to sign the document. This may be accomplished by filing either a scanned document containing the physical or facsimile signatures, or by inserting "s/ (name) with permission" as the electronic signature of the non-filing parties who are registered users. Electronic signatures of non-registered signatories are not permitted.

### **4. Criminal Defendants**

A document containing the signature of a defendant in a criminal case must be electronically filed as a scanned document in .pdf. The filing party is required to verify the legibility of the scanned document before electronically filing it with the court. The filing party must retain the original document for the duration of the case, including any period of appeal.

Any party challenging the authenticity of an electronically filed document, or the authenticity of the signatures themselves, must file

an objection to the document within ten (10) days of receiving the Notice of Electronic Filing.

## **D. SERVICE**

### **1. Summons**

A summons for each defendant (excluding fictitious defendants) in civil actions will be submitted as an attachment to the initiating document or amended complaint. The Clerk's Office will issue the summonses and return them to the filer electronically.

Rule 5(b) of the Federal Rules of Civil Procedure and Rule 49(b) of the Federal Rules of Criminal Procedure do not permit electronic service of process. Therefore, service of a summons or subpoena must be effected pursuant to Rule 4 and 4.1 of the Federal Rules of Civil Procedure and Rule 4 of the Federal Rules of Criminal Procedure.

After a summons has been served, the serving registered user must promptly scan the return of service and electronically file it. Non-registered filers may file the return of service with the Clerk's Office. The document will be scanned and electronically filed.

### **2. Service of Documents**

Whenever a document is electronically filed in accordance with these procedures, the ECF system will generate a "Notice of Electronic Filing" (NEF) to the filing party, the assigned judge and any registered user in the case. The NEF will constitute service of the document for purposes of the Federal Rules of Civil, Criminal and Appellate Procedure. Registration as a ECF user constitutes consent to electronic service through the court's transmission facilities.

Each registered user of the ECF system is responsible for assuring that the user's e-mail account is monitored regularly, and that e-mail notices are opened in a timely manner. In the event of an e-mail delivery failure, the court will regenerate the NEF upon request by the registered user. However, if the court's ECF e-mail delivery log indicates that the NEF was received by the registered user's e-mail provider, the problem is considered to be between the user and the provider and the court will not regenerate the NEF.

### 3. Certificate of Service

A certificate of service is required when a party electronically files a document. The certificate must state the manner in which service or notice was accomplished on each party and may be signed as "s/name" by a paralegal, secretary or other authorized assistant who made the service. A digital signature is also allowed.

[Sample Certificate of Service.](#)

Any document that is not filed electronically (i.e., sealed) must be served as a paper copy.

A party who is not a registered participant of ECF is entitled to service of a paper copy of any electronically filed document. The filing party must serve the non-registered party with the document according to the Federal Rules of Civil Procedure.

A non-registered filing party who files document(s) with the Clerk's Office for scanning and entry to ECF must serve paper copies on all non-registered parties to the case. There will be some delay in the scanning, electronic filing and subsequent electronic noticing to registered users. If time is an issue, non-registered filers should consider paper service of the document(s) to all parties.

#### **Policy on Courtesy Copies for Chambers:**

A paper courtesy copy of an electronically filed document must be submitted directly to the assigned judge for certain document types, as follows:

- a. complaints;
- b. notices of removal;
- c. motions to dismiss and responses and replies thereto;
- d. motions for summary judgment and responses and replies thereto;
- e. motions for temporary restraining order and supporting documents;
- f. sealed documents, including *ex parte* documents;
- g. documents exceeding 10 pages in length, including exhibits and attachments.

To verify electronic filing, a copy of the face page of the Notice of Electronic filing must be appended to the last page of the courtesy copy. The next business day after the electronic filing, the courtesy copy must be either post-marked and mailed directly to the judge or hand-delivered to the judge's mail box located in the courthouse. If

the nature of the filing is such that the need for a judge's immediate attention is anticipated or desired, a courtesy copy shall be delivered on the same day as the filing. Paper courtesy copies must also comply with all requirements in LRCiv 7.1. Courtesy copies are to be addressed to the assigned judicial officer and not the Clerk's Office.

**Mailing addresses for the judicial officers may be found at [www.azd.uscourts.gov](http://www.azd.uscourts.gov).**

#### **Policy on Courtesy Copies Relating to Settlement and Discovery Referrals:**

In cases wherein a district judge has referred a settlement, discovery or other matter to a magistrate judge, but not the entire case, a courtesy copy of any filed document relating to the referred matter must be sent to the magistrate judge under separate cover. An electronic copy of such document must be sent to the chambers e-mail box for the magistrate judge to whom the matter is referred. (See Section II.G.c. for e-mail addresses.)

#### **Policy on Courtesy Copies in Death Penalty Habeas Corpus Cases:**

In death penalty habeas corpus cases, the paper courtesy copy of an electronically filed document that would normally be sent to the assigned judge, must be directed to the "Capital Case Staff Attorney Section" in the appropriate division.

### **E. TITLE OF DOCKET ENTRIES**

The party electronically filing a document is responsible for designating a docket entry title for the document by using the appropriate docket event(s). A complete list of civil and criminal events can be found through ECF, by selecting "Reports" and clicking the appropriate selection under "Event List."

### **F. HYPERLINKS**

In order to preserve the integrity of the court record, attorneys wishing to insert hyperlinks in court filings shall continue to use the traditional citation method for the cited authority, in addition to the hyperlink. The Judiciary's policy on hyperlinks is that a hyperlink contained in a filing is no more than a convenient mechanism for accessing material cited in the document. A hyperlink reference is extraneous to any filed document and is not part of the court's record. A link to any document that does not reside on the ECF system for the District of Arizona is prohibited.

## G. PROPOSED ORDERS AND ORDERS

### 1. Proposed Orders

- a. Except as provided in this section, electronically submitted proposed orders must be included as an *attachment* to the motion or stipulation. Additionally, following the filing of the motion or stipulation, a proposed order in WordPerfect or MS Word format and .pdf version of the motion or stipulation must be sent to the court in a separate, non-ECF generated e-mail message addressed to the appropriate chambers as set forth under subpart c of this section. The sender must not copy any other counsel or party on the e-mail message. The proposed order must not contain any form of signature line or block for the judge. **(NOTE: In Tucson criminal cases, counsel must not submit proposed orders to continue trial, sentencing or disposition hearing.)**
- b. The proposed order, as well as a .pdf version of the related motion or stipulation, should be attached to an Internet e-mail message and sent to the e-mail address of the assigned judge. The subject line of the message should contain the case number and title of the case, and the text of the message should reference the document number assigned to the motion or stipulation assigned by the ECF system when it was electronically filed. A typical e-mail message subject line would appear as follows: "Proposed Order in 2:05cv12345 Smith vs. Jones, et al."
- c. All proposed orders must comply with LRCiv 7.1 and must be submitted in either WordPerfect 6.x or above (.wpd) or Microsoft Word 97 or above (.doc) file format. Submission of documents in WordPerfect file format is preferred. Proposed orders submitted to the judge in PDF or any other file formats other than WordPerfect or MS Word will not be accepted.

E-mail addresses are to be used only for sending proposed orders to the judges and are as follows:

#### Phoenix District Judges

bolton\_chambers@azd.uscourts.gov  
broomfield\_chambers@azd.uscourts.gov  
campbell\_chambers@azd.uscourts.gov

carroll\_chambers@azd.uscourts.gov  
martone\_chambers@azd.uscourts.gov  
mcnamee\_chambers@azd.uscourts.gov  
murguia\_chambers@azd.uscourts.gov  
rosenblatt\_chambers@azd.uscourts.gov  
silver\_chambers@azd.uscourts.gov  
snow\_chambers@azd.uscourts.gov  
teiborg\_chambers@azd.uscourts.gov  
wake\_chambers@azd.uscourts.gov

Phoenix Magistrate Judges

anderson\_chambers@azd.uscourts.gov  
burns\_chambers@azd.uscourts.gov  
duncan\_chambers@azd.uscourts.gov  
sitver\_chambers@azd.uscourts.gov  
voss\_chambers@azd.uscourts.gov

Flagstaff Magistrate Judge

aspey\_chambers@azd.uscourts.gov

Yuma Magistrate Judge

irwin\_chambers@azd.uscourts.gov

Tucson District Judges

bury\_chambers@azd.uscourts.gov  
collins\_chambers@azd.uscourts.gov  
jorgenson\_chambers@azd.uscourts.gov  
roll\_chambers@azd.uscourts.gov  
zapata\_chambers@azd.uscourts.gov

Tucson Magistrate Judges

edmonds\_chambers@azd.uscourts.gov  
estrada\_chambers@azd.uscourts.gov  
ferraro\_chambers@azd.uscourts.gov  
marshall\_chambers@azd.uscourts.gov  
pyle\_chambers@azd.uscourts.gov  
velasco\_chambers@azd.uscourts.gov

### Visiting Judges

Holland\_Chambers@akd.uscourts.gov  
Sedwick\_Chambers@akd.uscourts.gov

If a proposed order is to be directed to a visiting judge whose address does not appear above, it is the attorneys' responsibility to make inquiry of the presiding judge or his/her staff to confirm the manner in which such documents are to be transmitted to chambers.

- d. In death penalty habeas corpus cases, proposed orders must be sent to the Capital Case Staff Attorneys instead of the assigned judge. The e-mail address for the Capital Case Staff Attorney section is:

capitalcase@azd.uscourts.gov

## **2. Orders of the Court**

- a. All signed orders will be electronically filed. An order signed electronically has the same force and effect as any other court order.
- b. Orders may be issued by a text-only docket entry. In such cases, a .pdf document will not be issued, and the text-only docket entry located within the Notice of Electronic Filing will constitute the court's only order in the matter. ECF will generate a Notice of Electronic Filing to registered users. Parties not represented by a registered user will be served a copy of the order by mail.

## **H. PROPOSED DOCUMENTS**

Proposed documents may include sealed documents, amended pleadings, non-electronic filings, documents that exceed the page limitation, and other documents that cannot be filed without a court order.

With the exception of documents subject to being sealed, a proposed document must be electronically lodged using the "Lodged Proposed Document" event. When electronically lodging this document, the first page must be a cover sheet that is clearly labeled with the case title and number, along with a description of the proposed document, e.g., "**LODGED: Proposed \_\_\_\_\_ Attached**". If the court grants the filing of the lodged proposed document, the Clerk's Office will remove the cover sheet and electronically file the document.

If the proposed document is an amended pleading, the filer must also submit as an attachment to the motion or stipulation a version that complies with LRCiv 15.1(a)(1).

## **I. SEALED AND EX PARTE DOCUMENTS IN UNSEALED CASES**

Any document submitted for filing under seal, except a response or reply to a sealed motion, must be accompanied by a motion and proposed order authorizing such filing. In criminal cases the motion to seal will be filed electronically using “Sealed Motions (To Seal Case or Doc Only)” category with the proposed order as an attachment. In civil cases the motion to seal will be filed as a public document using the appropriate event located under the “Motions and Related Filings” category. The proposed document to be filed under seal will be lodged electronically using the "Sealed Lodged Proposed Document" event. If a motion to seal is granted, the judge will issue an order authorizing the electronic filing by the Clerk's Office of the lodged proposed document under seal.

Documents submitted for filing in a sealed case must be submitted and served in paper form.

If the document to be sealed exceeds 50 pages in length, a .pdf version of that document must also be included on a CD ROM. (If the document exceeds five (5) megabytes, it must be submitted in multiple segments, not to exceed five (5) megabytes each.)

In addition to the general requirements regarding proposed orders and orders included in Section G., proposed sealed orders submitted by the U.S. Attorney's Office and Federal Public Defender's Office may be e-mailed to the central chambers e-mail addresses through secure government e-mail transmissions. Proposed sealed orders submitted by all other attorneys must be submitted in paper form.

### **1. SEALED & EX PARTE E-FILING GUIDELINES (Civil Cases)**

**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.

Pursuant to Local Rule of Civil Procedure 5.6, a filer generally may not file anything under seal without leave of court<sup>1</sup>. An exception is a sealed response or sealed reply to a motion that has **previously been approved** for filing 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 Lodged Proposed Documents  
**Use this event, which is sealed, to lodge the document to which a motion to seal,-relates.** To do this, use the “Sealed Lodged Proposed Document” event located under the “Sealed Documents” category of events on the civil events menu. This event will prompt for a description of the document and to link to the 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 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 Civil Sealed Documents**

**Sealed Documents Filed in Civil Cases:** Any non-ex parte document electronically filed in a **civil 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. However, the docket text associated with the entry will be available for viewing at the courthouse or via PACER. A NEF will generate and display the docket text, however, the document itself will be unavailable. Counsel must serve copies on opposing counsel by mail.

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<sup>1</sup>To file something under seal, court approval is necessary. A filer must first use the “Motions” event from the “Motions and Related Filings” category on the civil (non-sealed) events menu and select the event “Seal”, “Seal Case”, or “Seal Document”, as appropriate, for the type of relief. (The motion to seal will not be filed under seal.) However, the document for which sealed status is being requested may be lodged under seal by using the “Sealed Lodged Proposed Document” event described in #1, above.

## **Ex Parte Motion & Document E-Filing**

Ex Parte Motion: An ex parte motion may be e-filed by accessing the “Ex Parte Motion” event located under the “Motions & Related Filings” header.

Ex Parte Document: An ex parte document may be e-filed by accessing the “Ex Parte Document” event located under the “Other Filings” header.

## **Availability and Noticing of Ex Parte Motions & Documents**

The entry and document associated with an ex parte motion or document become available for viewing by the public the day after filing. The entry & document are immediately available for viewing by court users. No NEF will issue to the filing attorney or other counsel when e-filing these events. If the e-filer wishes to submit an ex parte document under seal, follow the instructions set forth under the “Sealed E-Filing” portion of these instructions.

## **2. EX PARTE AND SEALED 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 Criminal 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.

## **J. EXHIBITS**

### **1. In General**

- a. Only those excerpts that are directly related to the matter under consideration may be submitted as exhibits. Exhibits and the excerpted material they contain must be clearly labeled. Responding parties may file additional related excerpts as exhibits. Filers are reminded of the requirements set forth in LRCiv 7.1(d)(1) and (d)(2)
- b. Exhibits must be submitted electronically in ECF as attachments. If the entire exhibit exceeds five (5) megabytes with a maximum resolution of 200 dots per inch (dpi), it must be submitted in multiple segments, not to exceed five (5) megabytes each.
- c. The first page of the attachment should be an index of the attached exhibits.
- d. In those instances as described in section (b) above where numerous large PDF exhibits are attached to a single e-filing transaction, the number of exhibit files uploaded in a single e-filing transaction shall not exceed ten (10). In those instances where it is necessary to e-file more than ten exhibits, or if the filer otherwise finds that the intended number of attachments cannot be uploaded in a single transaction, the filer is to e-file the main document and supporting exhibits by utilizing the following procedure:
  1. Electronically file the main document using the ECF event type that is appropriate for the type of document being e-filed (e.g., motion, response to motion, stipulation, etc.). Attach exhibit files as needed, not to exceed 10 attachments. The first attachment must include an index of the attached exhibits as required in (c) above.
  2. Electronically file additional exhibits as needed using the "Additional Attachments to Main Document" event found under "Other Documents" in ECF. The event will allow the user to identify the main document to which the

additional attachments pertain. The "Additional Attachments to Main Document" event can be utilized as many times as needed to e-file all attachments in support of a specific filing; however the number of attachments e-filed per transaction cannot exceed ten.

- e. The filing party is required to verify the legibility of the scanned exhibits prior to electronically filing them with the court. Parties should scan documents in black and white, unless color is a critical feature of the information.
- f. Original exhibits must be retained by the submitting party for the duration of the case, including any period of appeal.

## **2. Non-Electronic Filing of Exhibits**

A party may seek leave of the court to allow the non-electronic filing of exhibits when they are not convertible to electronic form (e.g., videotapes, maps, etc.). If leave is granted, the following procedure will apply:

- a. The filing party must prepare an index in pleading format to be submitted with the exhibits. The caption will state what document, if any, the exhibits are supporting. The actual exhibits must be tabbed and bound if appropriate.
- b. The index must be scanned and electronically filed by the Clerk's Office. The index and exhibits must be served on the other parties by the filer.

## **3. Evidentiary and Trial Exhibits**

Evidentiary and trial exhibits must be submitted directly to the appropriate courtroom deputy clerk and will not be filed with the court.

# **K. FILING ERRORS/TECHNICAL FAILURES**

## **1. Correcting Filing or Docket Errors**

- a. Once a document is submitted and becomes part of the case docket, corrections to the docket may be made only by the Clerk's Office. The ECF system will not permit the filing party to make changes to the document or docket entry once the transaction has been accepted.
- b. The filing party should not attempt to re-file an incorrectly filed document.

- c. The filing party must contact the Clerk's Office ECF Help Desk as soon as an error has been discovered and provide the case number and document number. If appropriate, the Clerk's Office will make a docket entry indicating the document was filed in error. The filing party will be advised if the document needs to be re-filed.
- d. If the Clerk's Office discovers filing or docketing errors, the filer will be advised of what further action, if any, is required to address the error. However, if the error is minor, the Clerk's Office may correct the error, with or without notifying the parties.
- e. In the event it appears a document has been filed in the wrong case, the Clerk's Office will docket an entry indicating this possible error and notify the filing party. If it is confirmed as an error, the party will be directed to re-file the document in the correct case. The Clerk's Office will not delete any documents filed by a party unless ordered by the court.

## **2. Technical Failures**

- a. Known court systems outages will be posted on the court's Internet web site, if possible.
- b. Problems on the filer's end, such as phone line problems, problems with the filer's Internet service provider (ISP), or hardware or software problems, will not generally excuse an untimely filing. A filer who cannot electronically file a document because of a problem on the filer's end must seek an alternative means of filing, such as the court's scanning/computer system located in the Clerk's Office to electronically file the document.
- c. A registered user whose filing is untimely due to a technical failure may seek relief from the court.

## **L. TRANSCRIPTS**

Transcripts will be electronically filed and available for viewing at the Clerk's Office public terminal, but may NOT be copied nor reproduced by the Clerk's Office for a period of 90 days. Registered users who have purchased the transcript during the 90 day period will be provided remote electronic access to the transcript in ECF. The Court Reporter/ECRO will notify the Clerk's Office when a registered user in a case has purchased the transcript so that

access to the transcript can be given to the purchaser through the court's ECF system.

Each party shall have 21 calendar days from the date the transcript is filed to electronically file a "Redaction Request Re: Transcript" (found in the Other Documents category) indicating by page and line where personal identifiers appear in the transcript and how they are to be redacted. The responsibility for redacting personal identifiers rests solely with counsel and the parties. Personal identifiers are Social Security numbers, financial account numbers, names of minor children, dates of birth, and in criminal cases, home addresses.

If a "Redaction Request Re: Transcript" is not filed the Court will presume redaction of personal identifiers is not necessary, and the transcript will be available electronically 90 days after the filing of the transcript.

Individuals who wish to order a transcript before it is available electronically shall complete the Transcript Order Form (AO 435) and file the form electronically.

#### **M. EXCEPTIONS TO ELECTRONIC FILING**

The following documents must be submitted in paper form:

1. Administrative Records in Office of Navajo and Hopi Indian Relocation (ONHIR) cases.
2. Grand Jury Matters, including:
  - a. Minute sheets
  - b. Grand Jury returns
  - c. Voting slips
  - d. Orders appointing alternate jurors
  - e. Motions and orders to quash subpoenas
  - f. Motions and orders to enforce subpoenas
  - g. Motions and orders for immunity
  - h. Motions and orders for appointment of counsel
3. Warrants Issued, including:
  - a. Seizure warrants
  - b. Search warrants
  - c. Pen registers, Trap and Trace, Stinger warrants
  - d. Wire tap orders
  - e. Bench warrants
  - f. Arrest warrants

4. Pre-Indictment/Pre-Information, including:
  - a. Complaints filed by federal agents or the U.S. Attorney on behalf of federal agents
  - b. Affidavits related to Complaints
  - c. Warrants issued by other districts for defendants in the District of Arizona
5. Indictments and Informations.
6. Bonds
7. Writs to be issued by the court, including:
  - a. *Habeas Corpus*
  - b. Garnishment
  - c. Attachment
8. Unless available electronically, the state court record in any habeas corpus cases filed under 28 U.S.C. §2254
9. 25% Magistrate Consent forms
10. Reports of medical or mental evaluations of criminal case defendants
11. Probation and Pretrial petitions
12. Civil sealed complaints
13. Civil Miscellaneous cases filed by unregistered attorneys
14. Any other document or filing that the court orders not to be electronically filed, imaged or maintained in the ECF system.

**N. CHARACTER LETTERS IN SUPPORT OF SENTENCING**

Original character letters in support of a sentencing memorandum must be submitted in paper form with the original to the U.S. Probation Office and copies to the sentencing judge and opposing counsel. A Notice to this effect and character letters may not be electronically filed with the Court unless otherwise ordered by a judge.

### **III. OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION (ONHIR) CASES**

Unless otherwise ordered by the court, all documents, notices, and orders in ONHIR cases must be electronically filed and noticed, except that transcripts of the administrative proceeding must be filed and served non-electronically. Transcripts will not be scanned or otherwise placed in the electronic case file and remote access will not be available.

To address the privacy issues inherent in ONHIR matters, Internet access to documents other than orders, opinions and judgments will be limited to counsel and court staff. Docket sheets will be available over the Internet to non-parties. The file will also be available for public viewing at the Clerk's Office.

#### **IV. SOCIAL SECURITY CASES**

Unless otherwise ordered by the court, all documents, notices, and orders in Social Security reviews must be electronically filed and noticed, including transcripts of the administrative proceeding if available electronically. A paper courtesy copy of the administrative proceeding transcript shall be delivered to the assigned judge, any pro se plaintiff and, upon request, to the Ninth Circuit Court of Appeals.

To address the privacy issues inherent in Social Security matters, Internet access to documents other than orders, opinions and judgments will be limited to counsel and court staff. Docket sheets will be available over the Internet to non-parties. The file will also be available for public viewing at the Clerk's Office.

## **V. PUBLIC ACCESS TO THE COURT DOCKET AND DOCUMENTS**

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

Access to the electronic docket and documents filed in the ECF system are available for viewing to the public at no charge at the Clerk's Office during business hours.

### **B. INTERNET ACCESS**

Remote electronic access to the ECF system for viewing purposes is limited to subscribers to the Public Access to Court Electronic Records ("PACER") system. The Judicial Conference of the United States requires that a user fee must be charged for remotely accessing certain detailed case information, such as filed documents and docket sheets.<sup>2</sup>

### **C. CERTIFIED AND NON-CERTIFIED COPIES**

Certified and non-certified copies of filed documents may be purchased from the Clerk's Office. The fee for copying and certification will be in accordance with the Judicial Conference Schedule of Fees, following 28 U.S.C. § 1914.

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The access fee does not apply to official recipients of electronic documents, i.e. parties legally required to receive service or to whom service is directed by the filer in the context of service under the Federal Rules of Civil Procedure. Official recipients will receive the initial electronic copy of a document free to download as they see fit, but if they remotely access the document again, they will be charged.