

UNITED STATES DISTRICT COURT



DISTRICT OF MAINE

**Pilot Plan**

**Filing Presentence Reports and Revocation Reports  
in CM/ECF**

**Approved by the Court April 30, 2020**

**I. Introduction**

Beginning on May 11, 2020, presentence reports, revocation reports and other documents associated with these reports must be filed in the Court's Electronic Case Filing System (ECF). This Pilot Plan is adopted for the purpose of improving access to and the security of presentence reports and revocation reports. It is adopted on a pilot basis so that the Court can evaluate the efficacy of the approach.

**II. Description of Pilot**

The Court recognizes that this Pilot introduces significant changes in the way the presentence reports, revocation reports and associated documents will be filed and accessed by the Court and the parties.

**A. Documents to be filed in ECF:**

- Presentence Report (First Disclosure)
- Objections to the Presentence Report
- Revised Presentence Report with Addendum
- Sentencing Recommendations
- Revocation Reports
- Revocation Justifications
- Other Sentencing Reports

## **B. Access to Filings**

1. The following filings will be listed on the Court's docket, but the contents of the filings will be sealed from public view. Access to contents of the filings are limited to the Court, U.S. Probation and Pretrial Services Office, Counsel for Defendant for whom the filing was prepared, and the Government. Those filings include:
  - Presentence Report (First Disclosure)
  - Objections to the Presentence Report
  - Revised Presentence Report with Addendum
  - Other Sentencing Reports
  - Revocation Reports
  
2. The following filings will be listed on the Court's docket, but the contents of the filings will be sealed from public view. Access to contents of the filings are limited to the Court and U.S. Probation and Pretrial Services Office:
  - Sentencing Recommendations
  - Revocation Justifications

## **III. Interim Local Rule Changes Adopted for Pilot**

To advance the goals of this Pilot, the Court hereby adopts interim changes to certain of its Local Rules as shown in the red-lined versions attached to this announcement.

## **IV. Questions and Comments**

Any questions or comments regarding the Pilot can be directed to the Clerk of Court Christa K. Berry at (207) 780 – 3356.

**APPENDIX IV - ADMINISTRATIVE PROCEDURES GOVERNING  
THE FILING AND SERVICE BY ELECTRONIC MEANS**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

~~(Revised December 1, 2018)~~  
**INTERIM RULE**  
**Effective May 11, 2020**

**ELECTRONIC FILING and PDF**

Electronic Filing is the process of uploading a document from the registered user's computer, using the Court's Internet-based Electronic Case Files (ECF) system, to file the document in the Court's case file. The ECF system only accepts documents in a portable document format (PDF). Although there are two types of PDF documents - electronically converted PDF's and scanned PDF's - only electronically converted PDF's may be filed with the Court using the ECF System, unless otherwise authorized by local rule or order.

Electronically converted PDF's are created from word processing documents (MS Word, WordPerfect, etc.) using Adobe Acrobat or similar software. They are text searchable and their file size is small.

Scanned PDF's are created from paper documents run through an optical scanner. Scanned PDF's are not searchable and have a large file size.

Software used to electronically convert documents to PDF which includes proprietary or advertisement information within the PDF document is prohibited.

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**ADMINISTRATIVE PROCEDURES**

**(a) General Information**

- (1) All documents submitted for filing in civil and criminal cases, regardless of case commencement date, except those documents specifically exempted in

subsection (g) of these procedures, shall be filed electronically using the Electronic Case Filing System (ECF).

- (2) The official Court record in ECF cases shall be the electronic file maintained on the Court's servers together with any disks, DVDs, other media, and paper attachments and exhibits filed in accordance with these procedures.
- (3) All documents filed by electronic means must comply with technical standards, if any, established by the Judicial Conference of the United States or by this Court.
- (4) Documents filed with the Clerk's Office will normally be reviewed no later than the close of the next business day. It is the responsibility of the filing party to promptly notify the Clerk's Office via telephone of a matter that requires the immediate attention of a judicial officer.
- (5) An attorney may apply to the Court for permission to file paper documents.

**(b) Registration**

- (1) Attorneys admitted to the bar of this Court, including visiting attorneys, shall register as filing users of the Court's ECF system prior to filing any pleadings. Registration shall be on an Attorney Registration Form, a copy of which is on the Court's web page ([www.med.uscourts.gov](http://www.med.uscourts.gov)).
- (2) A non-prisoner who is a party to a civil action and who is not represented by an attorney may register to receive service electronically and to electronically transmit their documents to the Court for filing in the ECF system. If during the course of the action the person retains an attorney who appears on the person's behalf, the Clerk shall terminate the person's registration upon the attorney's appearance.
- (3) A registered user shall not allow another person to file a document using the user's log-in and password, except for an authorized agent of the filing user. Use of a user's log-in and password by a staff member shall be deemed to be the act of the registered user.
- (4) Registration constitutes consent to service of all documents by electronic means as provided in these procedures.

### **(c) Filing and Service of Civil Case Opening Documents**

- (1) Civil case opening documents, such as a complaint, petition, or notice of removal, together with a properly completed summons and civil cover sheet, shall be filed by e-mail in PDF, so that the documents can be added to ECF.
- (2) The Clerk's Office will imprint the seal of the Court and the Clerk's signature on the summons and issue the summons electronically to counsel. A party may not electronically serve a civil complaint but shall print the embossed summons and effect service in the manner in accordance with Fed.R.Civ.P.4.

### **(d) Electronic Filing**

- (1) Electronic transmission of a document to the ECF system, together with the transmission of a Notice of Electronic Filing (NEF) from the Court, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure and constitutes entry of the document on the docket maintained by the Clerk pursuant to Fed.R.Civ.P.58, Fed.R.Civ.P.79, Fed.R.Crim.P.49 and Fed.R.Crim.P.55).
- (2) A document filed electronically shall be deemed filed at the time and date stated on the Notice of Electronic Filing received from the Court.
- (3) All pleadings filed electronically shall be titled in accordance with the approved dictionary of civil or criminal events of the ECF system of this Court.

### **(e) Service of Electronically Filed Documents**

- (1) Whenever a non-sealed pleading is filed electronically, the ECF system will automatically generate and send a Notice of Electronic Filing (NEF) to the filing user and registered users of record. The user filing the document should retain a paper or digital copy of the NEF, which shall serve as the Court's date-stamp and proof of filing.
- (2) Although the filing of sealed documents in civil cases produces an NEF, the document itself cannot be accessed and counsel shall be responsible for making service of the sealed documents.
- (3) Attorneys who have not yet registered as users with ECF and pro se litigants who have not registered with ECF shall be served a paper copy of any electronically filed pleading or other document in accordance with the provisions of Fed.R.Civ.P.5.

**(f) Deadlines.**

Filing documents electronically does not in any way alter any filing deadlines. All electronic transmissions of documents must be completed prior to midnight, Eastern Time, in order to be considered timely filed that day. Where a specific time of day deadline is set by Court order or stipulation, the electronic filing must be completed by that time.

**(g) Special Filing Requirements and Exceptions**

- (1) Generally, all documents are filed electronically in civil cases, to include the following:
  - (A) Motions to file documents under seal and sealed documents;
  - (B) Ex parte motions and applications;
  - (C) Unredacted documents;
  - (D) The state court record and other Rule 5 materials in habeas corpus cases filed in 28 U.S.C. §2254 proceedings may be filed electronically or in paper; and
  - (E) Administrative records in Social Security Disability cases.
  
- (2) The following documents **may be filed in paper**:
  - (A) Administrative review proceeding records other than administrative records in Social Security Disability cases.
  
- (3) The following documents **shall be filed in paper** with the Clerk's Office, which **will also be scanned and uploaded** into ECF (Note that sealed documents in **criminal** cases will not generate an NEF and the docket entry and documents will not be accessible):
  - (A) Motions to file documents under seal and documents filed under seal in criminal cases;
  - (B) Ex parte motions and applications filed in criminal cases;
  - (C) Pleadings and documents filed in sealed cases, both civil and criminal;
  - (D) The charging document in a criminal case, such as the complaint, indictment, or information;
  - (E) Any pleading or document in a criminal case containing the signature of a defendant, such as a waiver of indictment, or plea agreement; and
  - (F) Affidavits for search and arrest warrants.

(4) The following restricted criminal documents shall be electronically filed by the United States Probation Office and access will be provided ONLY to applicable parties in criminal cases:

(A) Pretrial Services Reports, any Addendums and Release Status Reports;

(B) All versions of Presentence Reports; and

(C) Revocation Reports

(5) The following criminal documents shall be electronically filed by the United States Probation Office and the documents will be sealed:

(A) Sentencing Recommendations; and

(B) Revocation Recommendations

(6) The following restricted criminal documents shall be electronically filed by counsel and access will be provided ONLY to applicable parties in criminal cases:

(A) Objections to Presentence Reports

(7) The following restricted criminal documents are scanned by the Clerk's Office and uploaded into ECF:

(A) Financial Declarations;

(B) Writs of Habeas Corpus

(C) Forensic Psychiatric Evaluations Reports

(D) Statements of Reasons and Findings Affecting Sentencing

(E) Revocation Judgment Personal Identifier Attachment

~~(4)~~ **(8)** The following documents **shall be filed in paper**, which **may also be scanned** into ECF by the Clerk's Office:

(A) All handwritten pleadings; and

(B) All pleadings and documents filed by pro se litigants who are incarcerated or who are not registered filing users in ECF.

~~(5)~~ **(9)** The following documents must **be scanned by counsel** and filed using ECF:

(A) Rule 4 executed service of process documents; and

(B) The state court record filed in 28 U.S.C. § 1446 removal proceedings.

~~(6)~~ **(10)** Attachments to filings (See subsection (j))

~~(7)~~(11) The following documents may be received by the Clerk's Office, but are not filed, electronically or otherwise, unless ordered by the Court:

- (A) ~~Presentence reports, e~~Character letters and general documents in support of sentencing (excluding Sentencing Memoranda);
- (B) Hearing and trial exhibits; and
- (C) Letters in support of Downward Departure Motions.

~~(8)~~(12) Any document or exhibit to be filed or submitted to the Court shall not be password-protected or encrypted.

#### **(h) Signature**

- (1) Attorneys. The user log-in and password together with a user's name on the signature block constitutes the attorney's signature pursuant to the Federal Rules of Civil Procedure and the Local Rules of this Court. All electronically filed documents must include a signature block and must set forth the attorney's name, address, telephone number and e-mail address. The name of the ECF user under whose log-in and password the document is submitted must be preceded by a "/s/" in the space where the signature would otherwise appear.
- (2) Multiple Signatures. The filer of any document requiring more than one signature (e.g., pleadings filed by visiting lawyers, stipulations, joint status reports) must list thereon all the names of other signatories, preceded by a "/s/" in the space where the signatures would otherwise appear. By submitting such a document, the filing attorney certifies that each of the other signatories has expressly agreed to the form and substance of the document and that the filing attorney has their actual authority to submit the document electronically. The filing attorney shall retain any records evidencing this concurrence for future production, if necessary, until two (2) years after the expiration of the time for filing a timely appeal. A non-filing signatory or party who disputes the authenticity of an electronically filed document containing multiple signatures must file an objection to the document within ten days of the date on the Notice of Electronic Filing.
- (3) Affidavits. Except as provided in subsection (g)(3)(F), affidavits shall be filed electronically; however, the electronically filed version must contain the typed name of the signatory, preceded by a "/s/" in the space where the signature would otherwise appear indicating that the paper document bears an original signature. The filing attorney shall retain the original for future

production, if necessary, for two (2) years after the expiration of the time for filing a timely appeal.

**(i) Privacy Protection for Filings Made with the Court**

The Clerk is not required to review documents filed with the court for compliance with Rule 5.2 of the Rules of Civil Procedure or Rule 49.1 of the Federal Rules of Criminal Procedure. The responsibility to redact filings rests with counsel and the party or nonparty making the filing.

**(j) Attachments**

Attachments to filings and exhibits must be filed in accordance with the Court's ECF User Manual, unless otherwise ordered by the Court.

- (1) When there are 50 or fewer attachments to a pleading, the attachments must be filed by counsel electronically using ECF.
- (2) When there are more than 50 attachments, the attachments must be filed in one of the following ways:
  - i. Using ECF, simply attach them to the pleading being filed;
  - ii. Using ECF, use the "Additional Attachments" menu item;
  - iii. On paper; or
  - iv. On a properly labeled 3.5" floppy disk, CD or DVD.

Attachments filed on paper or on disk must contain a comprehensive index that clearly describes each document.

- (3) A filing user must submit as attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Users who file excerpts of documents do so without prejudice to their right to timely file additional excerpts or the complete document, as may be allowed by the Court. Responding parties may timely file additional excerpts or the complete document that they believe are directly germane.
- (4) Filers shall not attach as an exhibit any pleading or other paper already on file with the Court in that case, but shall merely refer to that document.

## **(k) Orders and Judgments**

- (1) Proposed orders shall not be filed unless requested by the Court. When requested by the Court, proposed orders shall be filed by e-mail in word processing format.
- (2) A judge, or any authorized member of the Court staff, may grant routine orders by a text-only entry upon the docket. In such cases, no PDF document will issue; the text-only entry shall constitute the Court's only order on the matter and counsel will receive a system generated NEF.
- (3) Any order or other court-issued document filed electronically without the original signature of a judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner.

## **(l) Transcripts**

- (1) Proceedings of this Court.
  - (A) A transcript of a proceeding of this Court shall be filed electronically using ECF. The transcript shall be available at the Clerk's Office, for inspection only, for a period of 90 days after it is filed. During this 90 day period, a copy of the transcript may be obtained from the court reporter or transcriber at the rate established by the Judicial Conference. The transcript will be available at the public terminal at the courthouse and remotely electronically available to any attorneys of record who have purchased a copy from the court reporter or transcriber.
  - (B) In compliance with the policy of the Judicial Conference of the United States and to address privacy concerns outlined in Section (i) of this order:
    - i. Parties must file a Notice of Intent to Redact within seven (7) calendar days of the filing of the official court transcript;
    - ii. If redaction is requested, parties must submit to the court reporter a Redaction Request within 21 days from the filing of the official court transcript;
    - iii. Parties must move the Court for any additional redactions beyond those identified in section (i) of this order;

- iv. Any redacted transcript shall be filed electronically using ECF within 31 days from the filing of the official court transcript;
  - v. After the 90-day inspection-only period has ended, the original transcript, or redacted transcript, if so filed, will be publicly available through PACER.
- (C) The Judicial Conference of the United States Policy on Privacy and Public Access to Electronic Case Files states that documents in **criminal** cases containing identifying information about jurors or potential jurors shall not be included in the public case file and shall not be made available to the public at the courthouse or via remote electronic access. Transcripts of proceedings may become public record; therefore, counsel are advised to use juror numbers instead of juror names during court hearings.

(2) Transcripts from other Courts. A transcript of a proceeding of another court shall be filed electronically in PDF if possible and otherwise in paper.

(3) Depositions. Excerpts of depositions in support of or in opposition to a motion shall be filed electronically using ECF, unless otherwise permitted by the Court. Full transcripts of depositions to be used at trial should be filed in paper.

#### **(m) Facsimile Transmissions**

No pleadings or other documents shall be submitted to the Court for filing by facsimile transmission without prior leave of Court.

#### **(n) Technical Failures**

A filing user whose filing is made untimely as the result of a technical failure may seek appropriate relief from the Court.

A technical failure of the Court's ECF system is deemed to have occurred when the Court's ECF site cannot accept filings continuously or intermittently over the course of any period of time greater than one hour. Known system outages will be posted on the Court's website along with guidance on how to proceed, if applicable.

**(o) Pro Se Litigation**

Non-prisoner pro se litigants in civil actions may register with ECF or may file (and serve) all pleadings and other documents in paper. The Clerk's Office will scan into ECF any pleadings and documents filed on paper in accordance with subsection (g) of these procedures.

**(p) Access to Documents**

(1) **Electronically Stored Documents.** The public may review at the Clerk's Office all filings that have not been sealed. Except for Social Security cases, the public may access civil filings made after January 1, 2003 and criminal filings made after November 1, 2004 in ECF at the Court's Internet site ([www.med.uscourts.gov](http://www.med.uscourts.gov)) by obtaining a PACER login and password. Access to documents filed in Social Security cases shall be restricted to the attorneys of record. However, the public may access judgments, opinions and orders filed on or after December 1, 2007 in Social Security cases.

(2) Sealed Cases and Documents

(A) **In General:** In both civil and criminal actions, cases may be sealed in their entirety, or only as to certain documents. Sealing may be required when a case is initiated or at various times during the proceedings. Cases and documents can only be sealed by statute, local rule, or an order of the Court. A sealed case or document cannot be examined except by order of the Court, or by certain judicial employees.\*

(B) **Criminal:** In a criminal case which is not sealed in its entirety, when an individual document is sealed, neither the docket entry nor the document is available to be examined by the public without a Court order, unless the Local Rules provide otherwise.

(C) **Civil:** In a civil case which is not sealed in its entirety, when an individual document is sealed, the docket entry remains publicly available, unless the Local Rules provide otherwise. However, the sealed document itself is not available to be examined by the public except by Court order.

(D) Judicial Employees with access to sealed documents include the Clerk of Court, Chief Deputy, Information Systems Analysts, Case Managers, Chambers Staff and Probation Office employees.

**(q) Synopsis of Revisions**

Date	Description of Revision
5/19/08	Added Paragraph 4 to ELECTRONIC FILING and PDF
5/19/08	Section (i)(5) added text “in <b>criminal</b> cases only”
5/19/08	Added list of redaction requirement exemptions
5/19/08	Modifications and additions to Section (l)(1)
7/1/08	Paragraph (e)(4) added
4/1/09	Section (g)(6) “Appearance bonds” removed; and Section (g)(6) “Letters from defendants” removed
12/1/09	Section (b)(2) non-prisoner pro se language updated Section (e)(7) removed language re: adding 3 days for service by mail Section (g)(2)(D) moved to Section (g)(1)(D) Section (n) 2 <sup>nd</sup> paragraph added
4/1/10	Section (g)(1)(E) added Section (g)(2)(C) modified Section (g)(3)(C) removed language re: criminal synopsis form Section (g)(3) removed item re: Fed.R.Crim.P.20 and 5 papers language; Section (g)(3)(F) renumbered to (g)(3)(E) Section (p) (2) added
3/11/11	Section (a)(4) was renumbered to (a)(5) and a new (a)(4) was added.
12/13/11	Section (d)(1) – added citation for Fed.R.Crim.P. 49 Section (g)(1) – added clarifying language Section (g)(2) and (g)(3) – moved subsections from one into the other for clarification and reworded (g)(3) to say “will also be scanned...” and added parenthetical note regarding sealed criminal documents Section (g)(4) [previously(g)(3)]–moved subsections (C) and (D) to section (g)(3) Section (g)(7) [previously (g)(6)] – added two subsections for categories of documents and clarified language Section (j)(2)(A) & (B) – revised for clarity

	Section (k)(3) – this is new section, added to explain court-issued orders
1/1/15	Sections (A)&(B) of (g)(7) were deleted, as PTS reports and Psych reports are filed under seal now
12/1/15	Section (g)(2) – “shall” changed to “may,” and “only” deleted, as these may now be filed electronically. Section (g)(8) added

## RULE 132 - SENTENCING

~~(As Amended December 1, 2019)~~

**INTERIM RULE**  
**Effective May 11, 2020**

### **(a) Time for Filing Objections to Presentence Report**

The United States Probation Office will make initial disclosure of the presentence report (PSR) to both counsel via ECF and to the defendant. The sentencing judge will not read or otherwise consider the initial disclosure of the presentence report or any objections thereto unless the sentencing judge expressly states on the record or in an order that the judge has read or otherwise considered the same. Any objections either counsel or the defendant may have as to any material information, sentencing classification, sentencing guideline ranges or policy statements contained in or omitted from the initial disclosure of the report shall be ~~made in writing to the probation officer~~ filed electronically into the ECF system within 14 days after disclosure of the report.

### **(b) Submission of Revised Presentence Report**

The probation officer shall conduct any further investigation and make any revisions to the PSR that may be necessary and shall ~~submit the PSR to the sentencing judge and to counsel for both parties and the defendant~~ file the PSR electronically into the ECF system for delivery to the sentencing judge, to counsel for both parties, and to the defendant no more than 77 days after the verdict or finding of guilt. The PSR shall include an addendum setting forth any objections counsel may have, together with the submission of the officer's comments thereon.

### **(c) Presentence Conference**

Upon receipt of the PSR the Court may schedule a presentence conference with all counsel and the probation officer present and with the defendant if proceeding pro se. Any such conference shall be conducted upon the record but not transcribed except on specific request of counsel, for discussion of the application of the Guidelines to the case and for identification of all remaining contested issues.

#### **(d) Disputed Issues**

Except with regard to any unresolved objection made under subsection (a), the PSR may be accepted by the Court as accurate. The Court, however, for good cause shown, may allow objections to be raised at any time before the imposition of sentence.

#### **(e) Modification of Time Limits**

The times set forth in this rule may be modified by the Court for good cause shown, except that the 14-day period set forth in subsection (a) may be diminished only with consent of the defendant.

#### **(f) Disclosure**

Nothing in this rule requires the disclosure of any portions of the PSR that are not disclosable under Fed. R. Crim. Proc. 32. The recommendations of the probation officer as to the sentence to be imposed shall not be disclosed without the Court's permission.

The PSR shall be deemed to have been disclosed to counsel and the defendant ~~(1) when a copy of the report is physically delivered, (2) one day after oral communication of the availability of the report for inspection, or (3) three days after a copy of the report or written notice of its availability is mailed, whichever is earlier.~~ when the report is filed electronically into the ECF system.

#### **(g) Sentencing Exhibits and Documents (formerly Local Rule 159)**

Unless ordered otherwise by the assigned judge, sentencing exhibits and documents shall be submitted as follows:

**1. Motions for Cooperation Departures or Cooperation Variances:** These documents shall be filed with the Court as sealed docket entries and sealed documents five (5) business days prior to the sentencing hearing. They must be accompanied by a motion to seal, which shall specify the duration of sealing in accordance with Local Rule 157.6.

**2. Documents in Support of Motions for Cooperation Departures or Cooperation Variances:** These documents shall be submitted to the U.S. Probation Office which shall, in turn, provide them to the assigned judge five (5)

business days prior to the sentencing hearing. The documents shall be returned to the Probation Office after the sentencing hearing.

**3. Sentencing Exhibits:** Courtesy copies of exhibits that will be referenced to or moved into evidence at the sentencing hearing shall be submitted to the Court five (5) business days prior to the sentencing hearing either by e-mail to [newcases.portland@med.uscourts.gov](mailto:newcases.portland@med.uscourts.gov) in PDF format or in hard copy with an index as directed by the assigned judge in the presentence conference order to allow the Court time to review the proposed exhibits. When transmitting courtesy copies of exhibits to the Court, counsel shall include the U.S. Probation Office and opposing counsel in the e-mail. Courtesy copies of exhibits will not be docketed or treated as the official Court exhibit. It is the responsibility of counsel to provide the Court with marked paper exhibits at the sentencing hearing.

In cases in which a presentence conference will not be held, the docket entry reflecting the scheduling of the sentencing hearing shall reflect that courtesy copies of sentencing exhibits to be used at sentencing be submitted to the Court in accordance with this Rule five (5) business days prior to the sentencing hearing.

## **RULE 132.1 - REVOCATION OF PROBATION OR SUPERVISED RELEASE**

~~(Adopted on July 1, 2011)~~

**INTERIM RULE**  
**Effective May 11, 2020**

### **(a) Time for Filing Revocation Report**

Unless otherwise ordered by the Court, the probation officer shall file in ECF a revocation report with the Court not more than 10 calendar days after either (1) a finding of or waiver of probable cause that a violation of supervised release or probation has been committed, in the case of an arrested defendant; or (2) an initial appearance by a defendant who has been summonsed. When filed, the revocation report shall be disclosed to counsel for both parties by ECF and to the defendant.

### **(b) Contents of the Revocation Report**

The revocation report disclosed to counsel for both parties and the defendant shall contain information about the defendant's compliance while on supervision, sentencing options, and a dispositional recommendation. The probation officer's justification for the recommended disposition shall be filed in ECF and disclosed to the Court only. Objections to the revocation report will be addressed orally at the time of the revocation hearing.

## RULE 157.6 - SEALED DOCUMENTS AND PLEADINGS

~~(Amended July 1, 2014)~~

INTERIM RULE

Effective May 11, 2020

A pleading or document listed in subsection (a) that is designated in the caption of the document or pleading as being filed pursuant to Local Rule 157.6(a) (Sealed Document) shall be accepted as filed under seal without prior approval from the Court. Otherwise, parties seeking to seal a pleading or document shall file a motion to seal in accordance with subsection (b).

### **(a) Automatic Sealing**

The following pleadings and documents shall be sealed upon filing. They shall remain sealed until further order of the Court, unless otherwise provided below.

- (1) search warrant and tracking warrant applications, supporting affidavits and resulting warrants, which shall be sealed until the warrant is executed and returned to the Court;
- (2) arrest warrants, which shall be sealed until the warrant is executed;
- (3) motions, orders, and notices concerning matters occurring before the grand jury;
- (4) applications and orders for pen/trap devices, or wire, oral or electronic communication interceptions;
- (5) applications and orders for the disclosure of tax information;
- (6) motions and orders involving the Classified Information Procedures Act;
- (7) ~~requests for authorization of investigative, expert or other services pursuant to the Criminal Justice Act, and resulting orders, which shall be sealed until 30 days after final determination of the action by this or any appellate court;~~ All pretrial services reports, presentence reports and revocation reports;

(8) all ex parte requests; and

(9) motions, orders or any other pleadings and documents involving the Juvenile Delinquency Act.

**(b) Motions to Seal**

A party seeking to obtain an order sealing any pleading or document not listed in subsection (a) of this Rule, or seeking to continue the sealing of any pleading or document already sealed shall file a motion pursuant to this subparagraph (b). The motion shall state the basis for sealing, the period of time during which the document(s) are to be sealed, and shall set forth specific findings as to the need for sealing and the duration thereof. The motion itself shall be filed under seal, and remain sealed pending order of the Court pursuant to subsection (e) of this Rule. The documents or pleadings for which sealing is sought will be accepted provisionally under seal. Unless the motion is filed ex parte, the motion shall include a statement whether there is agreement of the parties to the sealing.

**(c) Objections**

Any objection to a motion to seal pursuant to subparagraph (b), and any reply thereto, shall be filed under seal. Unless otherwise ordered by the Court, the objection and reply shall be filed in accordance with Local Rule 147.

**(d) Captions and Attachments to Motions**

The caption for a motion to seal, and any objections thereto, shall clearly identify the pleading as relating to sealed matters. Any documents submitted along with the motion to seal shall bear the proper case number and contain the words “Filed Under Seal” in the caption.

**(e) Orders**

(1) If the Court grants a motion to seal filed under subsection (b), it shall state its findings supporting the issuance of an order to seal, and shall specify the duration of sealing. In making specific findings as to the need for sealing and the duration the document(s) shall be sealed, the Court may incorporate by reference the proposed findings in the motion to seal.

(2) If the Court denies a motion to seal filed under subsection (b), the motion to seal and any proposed paper documents tendered under provisional seal with that motion to seal shall be returned to the moving party. Any electronic versions of the proposed pleadings or documents shall remain in the ECF system, sealed indefinitely, unless otherwise ordered by the Court. The denied motion to seal shall remain sealed indefinitely, unless otherwise ordered by the Court.

**(f) Form of Filing**

Filings under seal, and motions to seal and objections and replies thereto, shall be in paper, unless otherwise directed by the Clerk.