



ELECTRONIC CASE FILING ADMINISTRATIVE POLICIES AND PROCEDURES MANUAL

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

Sandra Day O'Connor United States Courthouse
401 West Washington Street, Suite 130
Phoenix, AZ 85003
(602) 322-7200

Evo A. DeConcini United States Courthouse
405 West Congress Street
Tucson, AZ 85701
(520) 205-4200

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

TABLE OF CONTENTS

I.	THE ELECTRONIC FILING SYSTEM.....	3
A.	DEFINITIONS.....	3
B.	GENERAL POLICIES.....	4
C.	REGISTRATION.....	6
D.	LOGINS AND PASSWORDS.....	6
II.	ELECTRONIC FILING AND SERVICE OF DOCUMENTS.....	7
A.	FEES PAYABLE TO THE CLERK.....	7
B.	FILING NEW CASES.....	7
C.	SIGNATURES.....	9
D.	SERVICE.....	11
E.	TITLE OF DOCKET ENTRIES.....	13
F.	HYPERLINKS.....	14
G.	PROPOSED ORDERS AND ORDERS.....	14
H.	PROPOSED DOCUMENTS.....	17
I.	FILING DOCUMENTS IN SEALED CASES.....	17
J.	FILING OR LODGING SEALED DOCUMENTS IN UNSEALED CASES	18
K.	FILING IN JUVENILE CASES	21
L.	FILING EX PARTE MOTIONS IN PUBLIC CASES.....	22
M.	EXHIBITS.....	23
N.	FILING ERRORS/TECHNICAL FAILURES.....	24
O.	TRANSCRIPTS.....	26
P.	EXCEPTIONS TO ELECTRONIC FILING.....	26
Q.	CHARACTER LETTERS IN SUPPORT OF SENTENCING.....	28
R.	FILING OF A MOTION TO TRANSFER OR CONSOLIDATE - LRCiv 42.1(b)	28
III.	OFFICE OF NAVAJO AND HOPI INDIAN RELOCATION (ONHIR) CASES	28
IV.	SOCIAL SECURITY CASES.....	29
V.	PUBLIC ACCESS TO THE COURT DOCKET AND DOCUMENTS.....	29
A.	PUBLIC ACCESS AT THE COURT.....	29
B.	INTERNET ACCESS.....	29
C.	CERTIFIED AND NON-CERTIFIED COPIES.....	29

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 ten (10) megabytes (MB) in size, and shall have a resolution of 300 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.

MASTER CASE is the main case in which registered users submit the initiating documents needed to open a new civil or miscellaneous case.

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.
 - 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.

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 in the master case.

1. A receipt number will be included as part of the initial docket entry in the master case.
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 submitted electronically by filing the initiating documents, including the automated [Civil Cover Sheet \(JS-44\)](#), in the master case. 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 submitted electronically, without the Civil Cover Sheet (JS-44). The Clerk's Office will review the master case for electronic filings and open new civil and miscellaneous cases within one business day. A notice including the judge assignment and permanent case number will be sent electronically.

For a party requesting an immediate hearing on a motion for temporary restraining order, they may call Customer Service AFTER submitting the case opening documents. The Clerk's Office will open the case immediately and provide the judge assignment and case number. 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. If you e-file your new application, please contact the Attorney Admissions Clerk telephonically at 602-322-7106 to receive payment instructions.

2. Criminal Complaints, Indictments

Complaints must be presented to the duty magistrate judge in paper form, with the exception of Border Patrol complaints, which may be submitted electronically. 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. Guidance as to effective redaction techniques is available on the U.S. District Court web site under "Electronic Case Filing" --> "E-Filing Procedural Information".

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.

4. Electronic Noticing to Non-Prisoner Pro Se Parties

A non-prisoner pro se party may submit a request to receive notice of filings with the Court electronically. The pro se party would continue to file documents with the Clerk's Office in paper form; however, notices of electronic filing and attached documents would be transmitted electronically to non-prisoner pro se party who selects this option.

To request to receive notices of filing electronically, a completed Request by Non-Prisoner Pro Se Party for Electronic Noticing form must be submitted to the Clerk's Office. Submission of the form constitutes consent to electronic service and waiver of right to personal service or service by first class mail pursuant to Federal Rule of Civil Procedure 5(b)(2), except with regard to service of a summons and complaint.

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

When a filing is entered on the case docket, a party who is registered for electronic noticing will receive a Notice of Electronic Filing (NEF) in his/her designated e-mail account. The NEF will allow one free look at the document, and any attached .pdf may be printed or saved. After the free look viewing, a user must have a PACER account to query documents in the case. To register for PACER, a user must complete the on-line form or submit a registration form available on the PACER website at <http://www.pacer.gov>.

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 can be submitted after the permanent case has been opened by attaching them to the "Summons Submitted" event located in the "Service of Process" category. 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;
- g. documents exceeding 10 pages in length, including exhibits and attachments.

To verify electronic filing, a courtesy copy of the filing, referencing the specific document number shall be printed directly from CM/ECF. Printing the copy directly from CM/ECF yields the same document properties as the filed document. 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.**

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
martone_chambers@azd.uscourts.gov
mcnamee_chambers@azd.uscourts.gov
rosenblatt_chambers@azd.uscourts.gov
silver_chambers@azd.uscourts.gov
snow_chambers@azd.uscourts.gov
teilborg_chambers@azd.uscourts.gov
wake_chambers@azd.uscourts.gov

Phoenix Magistrate Judges

anderson_chambers@azd.uscourts.gov
bade_chambers@azd.uscourts.gov
burns_chambers@azd.uscourts.gov
duncan_chambers@azd.uscourts.gov
logan_chambers@azd.uscourts.gov

Flagstaff Magistrate Judge

aspey_chambers@azd.uscourts.gov

Yuma Magistrate Judge

metcalf_chambers@azd.uscourts.gov
buttrick_chambers@azd.uscourts.gov

Tucson District Judges

bury_chambers@azd.uscourts.gov
collins_chambers@azd.uscourts.gov
jorgenson_chambers@azd.uscourts.gov
zapata_chambers@azd.uscourts.gov
zipps_chambers@azd.uscourts.gov
tashima_chambers@azd.uscourts.gov

Tucson Magistrate Judges

bowman_chambers@azd.uscourts.gov
ferraro_chambers@azd.uscourts.gov
macdonald_chambers@azd.uscourts.gov
markovich_chambers@azd.uscourts.gov
rateau_chambers@azd.uscourts.gov
pyle_chambers@azd.uscourts.gov
velasco_chambers@azd.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 consult the list of visiting judges found in the Judges and Courtrooms category of the website at www.azd.uscourts.gov.

- 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, non-electronic filings, documents that exceed the page limitation, and other documents that cannot be filed without a court order, but not amended pleadings as defined in Fed. R. Civ. P. 7(a).

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.

Note that pursuant to LRCiv 15.1, a proposed amended pleading is not to be lodged with the court. Instead, a red-lined version of the proposed amended pleading must be attached as an exhibit to the motion (or stipulation) to amend. If the motion to amend is granted, the party seeking the amendment must file the amended pleading with the court and serve it on the other parties. It will not automatically be filed by the Clerk's Office.

I. FILING DOCUMENTS IN SEALED CASES

Documents to be filed in a sealed case must be submitted in paper form, except that e-filing is required for juvenile cases filed on or after June 1, 2011 (see K. FILING IN JUVENILE CASES for further information).

A separate motion and order to seal is not required. 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 ten (10) megabytes, it must be submitted in multiple segments, not to exceed ten (10) megabytes

each.)

Availability and Noticing of Documents in Sealed Cases

Any document filed in a sealed civil or criminal case will be unavailable for viewing electronically. Any document filed in a sealed case must be served in paper form. No NEF will issue when e-filing in a sealed case.

Proposed Orders in Sealed Cases

In addition to the general requirements in Section G, proposed orders submitted in sealed cases may be e-mailed to the central chambers e-mail addresses. Proposed orders in sealed cases submitted to central chambers e-mail addresses from non-federal government attorneys, may be at risk for being intercepted or monitored. Non-federal government attorneys have the option of submitting proposed orders in sealed cases to chambers in paper form.

J. FILING OR LODGING SEALED DOCUMENTS IN UNSEALED CASES

Any document submitted for filing under seal, except a response or reply to a criminal 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 (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 category located under the “Motions and Related Filings” header. The proposed document to be filed under seal will be lodged electronically using the “Sealed Lodged Proposed Documents” category. A cover sheet is not necessary, but the proposed document must include the notation “UNDER SEAL” in the caption. 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.

Proposed Orders in Sealed Cases

In addition to the general requirements in Section G, proposed orders submitted in sealed cases may be e-mailed to the central chambers e-mail addresses. Proposed orders in sealed cases submitted to central chambers e-mail addresses from non-federal government attorneys, may be at risk for

being intercepted or monitored. Non-federal government attorneys have the option of submitting proposed orders in sealed cases to chambers in paper form.

1. SEALED 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 may not file anything under seal without leave of court. To seek leave to file a document under seal, a filer must use the “Motions” category from the “Motions and Related Filings” header on the civil (non-sealed) events menu and select the event “Seal” or “Seal Document”, as appropriate, for the type of relief. (The motion to seal will not be filed under seal.) The document for which sealed status is being requested should be lodged under seal by using the “Sealed Lodged Proposed Documents” category.

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 category options, all of which can be found under the “Sealed Documents” header to use in conjunction with sealed e-filing:

- Sealed Lodged Proposed Documents
Use this category, which is sealed, to lodge the document to which a motion to seal relates. *To do this, use the “Sealed Lodged Proposed Documents” category located under the “Sealed Documents” header of events on the civil events menu. The event in this category 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 (civil cases)
Use this category to file under seal a response or reply to a previously sealed motion only if the court had previously and specifically granted leave for the response and reply to be filed under seal.

Availability and Noticing of Civil Sealed Documents

Sealed Documents Filed in Civil Cases: Any document electronically filed in a **civil case** via a category 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.

Documents filed pursuant to LRCiv 5.6(d): If you are filing a document related to LRCiv 5.6(d), ECF has special events entitled "Notice of Confidential Doc. Designation Lodging (LRCiv 5.6(d))" and "Notice of Confidential Doc. Designation Withdrawal (LRCiv 5.6(d))" for use with documents submitted pursuant to this local rule. Please use the specific events and follow the instructional messages contained on the event screens.

2. SEALED E-FILING GUIDELINES (Criminal Cases)

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, with the exception of sealed juvenile cases filed on or after June 1, 2011.

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 category options, all of which can be

found under the “Sealed Documents” header to use in conjunction with sealed e-filing:

- Sealed Motions (Case or Doc Only)
This category 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” category described below.
- Sealed Lodged Proposed Documents
Use this category, which is sealed, to lodge the document to which the motion to seal, described above under “Sealed Motions (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 Other Documents
Use this category 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 Documents Filed in Criminal Cases: Any document electronically filed in a **criminal case** via a category 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. Due to viewing and electronic access restrictions, e-filers are required to manually serve opposing counsel with the sealed criminal document.

K. FILING IN JUVENILE CASES

E-filing is required for juvenile cases filed on or after June 1, 2011. A notice of appearance or substitution of counsel in a juvenile case must be filed in

paper form; the Clerk's Office will then grant e-filing and viewing access to the attorney entering a new appearance. Except for ex parte motions, the same criminal categories for docketing are used as for public cases. For ex parte motions in juvenile cases, see below.

Ex Parte Motion for Authorization of Investigative, Expert or Other Services Pursuant to the Criminal Justice Act: Use the "Ex Parte Motion for Investigative/Expert Services (Juv Case CJA Attorney)" category which appears under the header **Juvenile Ex Parte Documents (Restricted for All Filers)**.

All Other Ex Parte Motions: Use the "Ex Parte Motions" category which appears under the header **Juvenile Ex Parte Documents (Restricted to Filer Only)**. **IMPORTANT!** Select only your defendant at the **Select the Party** screen. Counsel for the party selected at this screen will have viewing access to the entry and document.

Availability and Noticing of Documents in Juvenile Cases

No NEF to any counsel will issue when e-filing in a juvenile case. Any document filed in a juvenile case must be served in paper form. All active counsel have viewing access to all documents except as described below.

- Events docketed via category "Ex Parte Motions": Access is restricted to active counsel for the party selected at the **Select the Party** screen. **IMPORTANT!** Select only your defendant at this screen!
- Event docketed via category "Ex Parte Motion for Investigative/Expert Services (Juv Case CJA Atty)": No access for any counsel.
- Events protected by Judicial Conference Policy on Privacy and Public Access to Electronic Case Files.

L. FILING EX PARTE MOTIONS IN PUBLIC CASES

Below information pertains to both civil and criminal cases.

Ex Parte Motion for Authorization of Investigative, Expert or Other Services Pursuant to the Criminal Justice Act: Use the "Ex Parte Motion for Investigative/Expert Services (CJA Attorney)" category to e-file any ex parte motion for such services. The entry will automatically be sealed. A motion to seal is not required. The event will not generate a NEF to any counsel.

All Other Ex Parte Motions: An ex parte motion is e-filed from the same

“Motions” or “Amended Motions” category used for other motions. The user is prompted with “Is this motion Ex Parte?”. Answering “Yes” inserts EX PARTE in docket text. There is no viewing restriction to the entry or document. Enotice is to all active counsel in the case. If the e-filer wishes to submit an ex parte motion under seal, follow the instructions set forth under Section J, FILING OR LODGING SEALED DOCUMENTS IN UNSEALED CASES.

M. 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 ten (10) megabytes with a resolution of 300 dots per inch (dpi), it must be submitted in multiple segments, not to exceed ten (10) 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.

N. 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 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.
- c. If a filer needs to use the court's equipment to e-file, the filer should bring a form of electronic media containing the document(s) to the Clerk's office.
- d. If the filer does not have the document(s) available in electronic form, the Clerk's office will scan the filing to PDF on the filer's behalf.

- e. The media to which the document(s) was scanned will be checked out to the filer upon presentation of a photo ID. The filer will electronically file document(s) at the public terminal and may retrieve their photo ID upon return of the media device. If electronic filing using the court's equipment is unsuccessful, the Clerk's office will accept the filing in paper.
- f. A registered user whose filing is untimely due to a technical failure may seek relief from the court.

O. 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.

P. 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 Judge 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.

Q. 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.

R. FILING OF A MOTION TO TRANSFER OR CONSOLIDATE - LRCiv 42.1(b)

1. Motions to transfer or consolidate are to be filed directly into a case in which the filer is a party. Events for this purpose are located in the Civil Events Menu, under the header "LR 42 Transfer/Consolidate Events." The events have prompts to guide the filer through the event.
2. Responsive and subsequent filings should also be filed directly into a case in which the filer is a party. Events for this purpose are located in the Civil Events Menu, under the header "LR 42 Transfer/Consolidate Events." There are events available for responses, replies, joinder, and motion to extend time to respond/reply to a transfer or consolidate motion. It is important to use these events for filings related to a Local Rule 42(b) transfer or consolidation motion.

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.¹

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.

¹The 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.