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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

FILED

OCT 04 2013

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY AB DEPUTY

IN RE: ELECTRONIC FILING)
POLICIES & PROCEDURES MANUAL)

G.O. 13-5

ORDER

The Court's Electronic Filing Policies & Procedures Manual has been amended. The revised version of this document reflects current district and magistrate judges' e-mail addresses for proposed documents. Attached to this order is a copy of the updated Manual.

This Order supersedes General Order 13-1 filed February 6, 2013

IT IS SO ORDERED this 4th day of October, 2013.

VICKI MILES-LaGRANGE, CHIEF
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA
www.okwd.uscourts.gov

ELECTRONIC FILING

POLICIES & PROCEDURES MANUAL

POLICIES AND PROCEDURES FOR FILING BY ELECTRONIC MEANS
CIVIL AND CRIMINAL CASES

Cite as: *ECF Policies & Procedures Manual*, § ___.

Revised October 4, 2013

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA
www.okwd.uscourts.gov

ELECTRONIC FILING FOR CIVIL AND CRIMINAL CASES POLICIES & PROCEDURES MANUAL

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Revised October 4, 2013

POLICIES AND PROCEDURES FOR FILING BY ELECTRONIC MEANS CIVIL AND CRIMINAL CASES

INTRODUCTION

It is the policy of the United States District Court for the Western District of Oklahoma to require attorneys and other permitted registrants to file papers with the Court electronically, except as may be stated in these policies. Docket sheets and most documents may be viewed electronically through the PACER system, regardless of participation in the Electronic Case Filing ("ECF") System. LCvR5.1 and LCrR49.1 authorize electronic filing in accordance with Fed. R. Civ. P. 5(d)(3) and Fed. R. Crim. P. 49(d). The following Policies and Procedures govern electronic filing in this District unless, due to circumstances in a particular case, the assigned judge determines that these Policies and Procedures should be modified.

I. ELECTRONIC FILING SYSTEM

A. GENERAL POLICY.

With limited exceptions, all papers submitted for filing in this Court in civil and criminal cases, no matter when a case was originally filed, shall be filed electronically using the ECF System.

1. ***Pro Se* Litigants.** Litigants proceeding *pro se* (without attorney representation) may not file electronically.

2. **Conventional Filing.** For good cause shown, an attorney may apply to the assigned judge for permission to file documents conventionally.

Even if permission to file papers conventionally is granted, that permission may be withdrawn at any time.

3. **Modifications and Amendments of ECF System Procedures.** The assigned judge may modify these procedures in specific cases without prior notice, if deemed appropriate. The Court may also amend these procedures at any time without prior notice. Modifications and amendments to ECF System procedures will be posted on the Court's website at www.okwd.uscourts.gov.

B. REGISTRATION.

Only those persons registered with the Court's ECF System will be able to file papers electronically with the Court. A participant's registration with the ECF System shall constitute a waiver of conventional service of papers.

1. **Who May Register.** Only attorneys who are admitted to practice in the Western District of Oklahoma or others authorized by the Court (e.g., receivers, mediators, those admitted *pro hac vice*, U.S. Probation Officers, U.S. Deputy Marshals) may register for access to the Court's ECF System.

2. How to Register.

a. To register, complete and sign an official ECF Registration Form, which is available as a fillable form on the Court's website at www.okwd.uscourts.gov

b. All signed original ECF Registration Forms shall be mailed or delivered to:

ECF Registration
Office of the Court Clerk
United States District Court for the Western
District of Oklahoma
200 N. W. 4th Street, Room 1210
Oklahoma City, OK 73102

3. E-mail Address. The e-mail address for service listed in the Registration Form will be the address used for service, and transmission through the ECF System to that address of a Notice of Electronic Filing ("NEF") will constitute service. The registrant may also provide additional e-mail addresses to which courtesy copies of ECF notices will be sent.

4. Changes of E-Mail Address. The registrant is responsible for updates to all e-mail addresses associated with the registrant's account. Any change to the registrant's primary e-mail address will also require compliance with LCvR 5.4 and LCvR 49.4.

C. USER LOGINS AND PASSWORDS.

Each person permitted by the Court to register will be given an ECF System User Login and Password for the Western District of Oklahoma. This User Login and Password permits participation in electronic filing in this District. The combination of this User Login and Password will serve as the registrant's official signature for purposes of the Federal Rules of Civil Procedure, the Federal Rules of Criminal Procedure, and any applicable statute or regulation of the United States.

1. **Attorneys in Good Standing.** The Court will issue passwords only to attorneys in good standing. To be in good standing, an attorney must meet the requirements of LCvR83.2 and LCrR57.2.

2. **Password for a *Pro Hac Vice* Registrant**. An attorney admitted *pro hac vice* must register for a User Login and Password specific to this Court in accordance with these Policies and Procedures.

3. **Responsibility**. Once registered, the registrant is responsible and accountable for all documents filed using that User Login and Password.

4. **Security**. No registrant shall permit the User Login and Password to be utilized by anyone other than persons specifically authorized by the registrant. If a Password is believed to be compromised, the registrant

must notify the Clerk's Office during normal office hours by telephone at 1-405-609-5555 or toll free at 1-888-609-6593 or by e-mail at helpdesk@okwd.uscourts.gov and must change the Password immediately using the ECF System's Utility menu.

5. **Approval as ECF User**. Upon receipt of a User Login and Password, the registrant may begin filing papers electronically with the Court. The Clerk will mail the User Login and Password information by regular, first-class mail.

6. **Change of Password and Login.** After registering, registrants should change their Passwords as necessary using the ECF System's Utility menu. Registrants may also change their User Login.

II. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

A. FILING.

1. General Rules.

a. The official Court record shall be the electronic file maintained by the Clerk and any documents or exhibits filed conventionally.

b. **Documents to be e-filed by Court staff**. There are certain documents in civil and criminal cases that shall be conventionally submitted. Court staff will file these documents on the ECF System. These documents are:

i. All charging documents in criminal cases (including the complaint, information, and indictment);
ii. Pleadings and other papers submitted for filing by *pro se* litigants;
iii. Emergency matters at the discretion of the Clerk.

c. Documents that counsel may file conventionally. Leave of Court is not required for counsel to conventionally file any document listed below; however, counsel must electronically file a Notice of Conventional Filing. A model form is on the Court's website at www.okwd.uscourts.gov/forms.htm.

i. State court records and transcripts in habeas matters and Special Reports/*Martinez* Reports in prisoner litigation;
ii. Administrative records and transcripts, except the administrative record in Social Security cases;
iii. Documents larger than 10 megabytes when converted to .pdf format that cannot be separated into less than 10 megabyte segments;
iv. *Ex parte* submissions to the Court (although filed conventionally, these submissions will be scanned and will be available on the ECF system. However, no NEF will be generated);
v. Emergency matters at the discretion of the Clerk.

d. E-mailing a document to the Clerk or to the assigned judge shall not constitute filing of the document. An electronically filed document shall not be considered filed for purposes of the Federal Rules of Civil or Criminal Procedure until an ECF System-generated NEF is transmitted to the filer.

e. Electronically filed documents must meet the requirements of the Federal Rules of Civil and Criminal Procedure and this Court's Local Rules.

f. ECF registrants may file papers 24 hours a day, seven days a week. Filing a paper electronically does not, however, alter the filing deadline for that paper. If the assigned judge has ordered the document to be filed by a time certain, it must be filed by that time. Otherwise, a filing must be completed **before midnight Central time on the date it is due** (excluding weekends, holidays, and days when the Clerk's Office is closed) to be considered timely filed.

2. Initiating Documents in Civil Cases.

a. All Initiating Documents (*i.e.*, complaints, notices of removal, state court filings in removal cases, applications to proceed *in forma pauperis*, miscellaneous proceedings, summonses, and civil cover sheets) shall be submitted as separate .pdf files to the following e-mail address: newcases@okwd.uscourts.gov. Each .pdf file shall be named with a description of the document (*i.e.*, civil cover sheet, complaint). If subsequent summonses are

needed after a case has been opened, the additional summons should be sent to the new cases e-mail address.

b. If the Initiating Documents are not in digital format the filer must scan the Initiating Documents and e-mail them as separate .pdf files to newcases@okwd.uscourts.gov.

c. All documents in removed actions including the State Court Docket Sheet shall be submitted to the new cases mailbox as separate .pdf files and shall be clearly labeled and shall be named with a description of the document (*i.e.,* Exhibit 1: Petition; Exhibit 2: Answer).

d. Upon receipt of the Initiating Documents, the Clerk's Office will contact the filing party regarding payment of the filing fee. New civil cases will be deemed filed as of the date they are received in newcases@okwd.uscourts.gov provided all papers submitted for filing are received before midnight Central time, are in proper format, and arrangements for payment of the filing fee are promptly made.

e. Summonses must be submitted using the form provided on the Court's website www.okwd.uscourts.gov/forms.htm and must be complete.

f. A party may not electronically serve the summons and complaint, but instead must perfect service according to Fed. R. Civ. P. 4.

3. Filing Fees.

a. Any fee required for filing a document is payable to the Clerk by credit card, check, Pay.Gov, money order, or cash. The Clerk will not maintain electronic billing or debit accounts.

b. Unless payment is made via Pay.gov, upon receipt of the filing of any paper requiring payment of a fee, the Clerk's Office will contact the filing party regarding payment of the filing fee.

4. Exhibits, Attachments, & Appendices.

a. Exhibits and attachments that are filed electronically shall be submitted as separate attachments to the document and shall be clearly labeled with the appropriate exhibit number (*i.e.*, Exhibit 1, Exhibit 2). Do not use alphabetical or alpha-numeric designations for exhibits. A description of the numbered exhibit must be provided in the docket entry (*i.e.*, Exhibit 15: January 2004 Contract).

b. An appendix of exhibits and attachments may be filed as a separate document. The cover page shall state the name of the

document related to the appendix (*i.e.,* Appendix to Defendant Doe's Motion for Summary Judgment). Exhibits must be submitted as described in § II.A.4.a. above.

c. Exhibits, attachments and appendices that are not available in or convertible to electronic form must be filed conventionally. In addition, as the ECF System automatically rejects filings that are greater than 10 megabytes, documents that exceed 10 megabytes when converted to electronic form must be filed conventionally. To the extent possible, however, the filer should separate documents that are greater than 10 megabytes into smaller segments (*i.e.*, Exhibit 1 - Part 1; Exhibit 1 - Part 2). Whenever a document or item is conventionally filed by an ECF registrant, the filer shall electronically file a Notice of Conventional Filing. A model form is on the Court's website at www.okwd.uscourts.gov/forms.htm.

5. Oversized Documents. If an electronically filed document, together with attachments, exhibits, or appendices, including sealed exhibits related to the filing, exceeds **40 pages**, the filer shall deliver 1 paper copy of the document, which shall include any sealed exhibits related to the filing, to the Clerk's Office within **1 business day** of the date of

filing (excluding holidays and days when the Clerk's Office is closed), unless the filer's office is located more than 50 miles from the courthouse, in which case the paper copy shall be delivered to the Clerk's Office within 3 business days of the date of filing. Items attached to the paper copy should be identified with corresponding tabs that match the exhibit. The paper copy shall be bound at the left-hand margin in a manner that will permit it to be opened flat.

B. SERVICE.

1. Service Through the ECF System.

a. Whenever a document is filed electronically in accordance with these procedures, the ECF System will transmit an NEF to the filing party and any other party who is a registered participant of the ECF System. No NEF will be generated to opposing counsel for *ex parte* matters. No NEF will be generated in a sealed case. A sealed document in a public case will generate an NEF; however, the document will not be accessible by counsel or the public.

b. NEFs will not be transmitted to an attorney who has been permitted to withdraw from a case. Should counsel desire to

continue to receive NEFs, they can add the case to their email preferences through Utilities.

2. **Service by Conventional Means.**

   a. A party who is not a registered participant of the ECF System is entitled to a paper copy of any electronically filed document. The filing party must provide non-registered parties with a copy of the document in accordance with the Federal Rules of Civil or Criminal Procedure.

   b. Counsel may serve any electronically filed document on a party who is not a registered participant by e-mail, if the recipient has consented to such service in writing.

   c. A party who files a document on a date the case is scheduled for trial or hearing must – prior to the commencement of the proceedings – provide a copy of that filing to the Court and any other party involved in the trial or hearing.

3. **Certificate of Service.** A certificate of service is still required when a party files any document electronically. The certificate must state the manner in which service or notice will be accomplished. Sample language for a certificate of service is on the Court's website at www.okwd.uscourts.gov/forms.htm.

C. SIGNATURES.

1. Attorney Signature.

a. A document requiring an attorney's signature shall be signed by at least one attorney of record above the signature block in one of the following ways: (1) with an original signature that is then scanned; (2) with an electronic signature; or (3) with "s/ (attorney name)." The correct format for an attorney signature is as follows:

Scanned Signature **or** Electronic Signature **or** s/ Attorney Name
Attorney Name
Bar Number: xxxx
Attorney for (Plaintiff/Defendant)
ABC Law Firm
xxx South Street
Oklahoma City, OK 73102
Telephone: (xxx) xxx-xxxx
Fax: (xxx)xxx-xxxx
E-mail Address for Service

b. Users are cautioned that some proprietary secure signature applications are incompatible with the ECF system and that signatures inserted with such software may not appear as intended.

2. Multiple Signatures. Documents that are submitted on behalf of more than one attorney, may be signed as follows:

a. **Approval for Electronic Signature.** The attorney whose User Login and Password is being used to file the document ("filing attorney") may obtain approval from any other attorney to state that the other attorney has authorized the filing attorney to electronically sign the document. Such approval shall be indicated as follows:

s/ Attorney's Name (Signed by Filing Attorney with permission of Attorney)	Filing Attorney's Signature (*see* § II.C.1 for signature options)

The filing attorney is responsible for maintaining a record of when and how permission was obtained to sign the other attorney's name until all appeals have been exhausted or the time for seeking appellate review has expired.

b. **Approval by Signature.** The filing attorney may obtain and maintain a paper copy of the document signed by the other attorney. Possession of a signed copy shall be indicated as follows:

s/ Attorney's Name (Signed copy of document bearing signature of Attorney is being maintained in the office of Filing Attorney)	Filing Attorney's Signature (*see* § II.C.1 for signature options)

The filing attorney shall maintain the signed copy of the document until all appeals have been exhausted or the time for seeking appellate review has expired.

3. Non-Attorney Signature.

a. In General. Documents signed by persons who are not counsel of record (*e.g.*, verified pleadings, contracts, affidavits) may be submitted in electronic format in any of the following ways if the filer maintains the signed original until all appeals have been exhausted or the time for seeking appellate review has expired:

i. An electronic version of the document bearing "s/ (name)" can be filed along with a statement that the filer has the signed original, for example:

s/ Plaintiff Smith*
**I certify that I have the signed original of this document, which is available for inspection at any time by the Court or a party to this action.*

Filing Attorney's Signature
(*see* § II.C.1 for signature options)

ii. An electronic version of the document bearing "s/ (name)" can be filed with a scanned copy of the signature page as an attachment.

iii. If the document containing original signatures is not digitally available, it may be scanned and filed electronically.

b. Signatures in Criminal Cases. Several documents in criminal cases require the signature of a non-attorney, such as a grand jury foreperson, a defendant, a third-party custodian, a United States Marshal, or an officer from Pretrial Services or Probation. In general, the Clerk will scan all documents signed by non-attorneys in a criminal case.

4. Signature Disputes. Anyone who disputes the authenticity of any signature must file an objection to the document within 10 days of service.

D. TITLE OF DOCKET ENTRIES.

When creating a document to be filed electronically, the filer shall use a title that matches one of the docket event categories contained in the ECF Menu, which is on the Court's website at www.okwd.uscourts.gov. This same docket event category shall be used when filing the document.

E. FILING ERRORS.

1. Once a document is submitted and becomes part of the case, the ECF System will not permit the filer to change the document or the docket entry.

2. Filers should make every effort to ensure that they do not file a document other than the one intended to be filed, that it is filed in the correct case, and that it does not contain information that should have been filed under seal. The Clerk's Office should be notified of any mistakes by telephone at 405-609-5555 or toll-free at 1-888-609-6593 or by e-mail at helpdesk@okwd.uscourts.gov. The notifier should provide the Clerk's Office with the case number and docket number of the erroneous entry. **The filer should not refile the document unless directed to do so.**

3. If a document containing personal identifiers is filed erroneously, a Motion for Order Sealing Document and Directing the Filing of a Redacted Documents shall be filed. The form motion and the proposed order may be found on the Court's website at www.okwd.uscourts.gov.

F. TECHNICAL FAILURES.

1. Court's ECF System.

a. A technical failure exists when the ECF System is unable to accept filings over the course of any period of time greater than 2 hours after 12:00 noon that day. The ECF System will be unable to accept filings during periods of routine system maintenance, which will usually occur on Saturdays and Sundays from 7:00 a.m to 5:00 p.m. Check the Court's website for postings regarding any ECF System outages.

b. Should a filing be untimely because of a technical failure of the Court's ECF System, the filer may seek appropriate relief from the assigned judge.

2. Filer's System. Problems on the filer's end, such as phone line problems, problems with the filer's Internet Service Provider, or hardware or software problems, will not constitute a technical failure under these procedures or excuse an untimely filing. Upon a showing of good cause, the assigned judge may grant appropriate relief for an untimely filing.

G. ORDERS AND PROPOSED PAPERS.

1. Orders Initiated by the Court.

a. All orders shall be in electronic format.

b. The judge may affix an electronic signature, sign using "s/ Judge Name," or scan a copy of the signature page as an attachment to the order. Any order signed electronically has the same force and effect as if the judge had signed a paper copy of the order.

2. Proposed Papers Submitted by the Parties.

a. When filing a motion for which no supporting brief is required in accordance with LCvR7.1(h), (k), and (l), the moving party shall submit a proposed order granting the requested relief. The motion, which shall comply with LCvR7.1(h), (k), and (l), must be filed prior to submitting the proposed order, and the proposed order must refer to the docket entry number for the motion. Proposals sent to the Court must include a "cc" to all other counsel of record and *pro se* parties. See LCvR 5.5.

b. All proposed papers submitted by the parties shall be in a format compatible with WordPerfect. Microsoft Word is compatible. Proposals in .pdf format will not be accepted. All proposed papers shall be submitted via the designated mailbox for the

assigned judge as indicated below. Unless otherwise authorized, such mailboxes are to be used solely for the purpose of submitting settlement conference statements and proposals, proposed papers, *e.g.*, proposed orders, proposed jury instructions, proposed findings of fact and conclusions of law, default judgments, and proposed judgments as ordered by the assigned judge. **This submission is in addition to any filing obligation.** All papers shall be clearly identified in the subject line of the sender's e-mail as follows: Settlement Conference Statement in [case number]; Proposed Order in [case number]; Plaintiff/Defendant's Proposed Jury Instructions in [case number]; Plaintiff/Defendant's Proposed Findings & Conclusions in [case number]; Default Judgment in [case number]; Proposed Judgment in [case number]; and, any other Court-ordered proposal in [case number].

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Magistrate Judge Charles B. Goodwin
goodwin-orders@okwd.uscourts.gov

3. **Writ, Warrant, or Summons.** A party moving for issuance of a writ, warrant, or summons shall prepare the writ, warrant, or summons in a format compatible with WordPerfect and submit these documents along with the proposed order (if one is needed).

4. **Default Judgment.** After the filing of the appropriate motion(s), a proposed Clerk's entry of default and any proposed judgment of default

shall be submitted to the designated mailbox for the assigned judge indicated in § II.G.2.b.

H. PRIVACY.

1. Redacted Documents.

a. To comply with the Federal Rules of Civil and Criminal Procedure, filers shall omit or, where inclusion is necessary, partially redact the following personal data identifiers from all electronically filed pleadings, papers, and exhibits, unless otherwise ordered:

i. Minors' names: Refer to the child in the manner that most effectively shields the identity of the minor in the context of the proceeding (*i.e.*, by initials; by symbol [Child A, Child B]; as Doe 1, Doe 2; or by the child's status in the litigation [Witness, Victim, Ward, Beneficiary]);

ii. Financial account numbers: Identify the name or type of account and the financial institution where maintained, but use only the last four numbers of the account number;

iii. Social Security numbers: Use only the last four numbers;

iv. Dates of birth: Use only the year; and

v. Addresses: In criminal matters, include only the city and state of a home address.

b. The filer may omit or, where inclusion is necessary, partially redact the following confidential information from all electronically filed pleadings, papers, and exhibits, unless the assigned judge orders otherwise:

i. Personal identifying number, such as driver's license number;

ii. Medical records, treatment, and diagnosis;

iii. Employment history;

iv. Individual financial information; and

v. Proprietary or trade secret information.

2. Unredacted Documents. Consistent with the Federal Rules of Civil and Criminal Procedure, leave of Court may be granted to file under seal a document containing unredacted personal data identifiers listed above.

a. The party seeking to file an unredacted document shall file a motion to file the document under seal.

b. If the motion is granted, the filer shall submit the original of the unredacted paper document to the Clerk in a clearly identified

envelope. The envelope shall contain the notation: "Document filed under seal pursuant to Order dated ."

c. The assigned judge may require the filer to file a redacted copy for the public record. The redacted document shall be clearly identified as a redacted version.

3. Responsibility to Redact. The responsibility for redacting personal data identifiers rests solely with counsel and the parties. The Clerk will not review documents for compliance with this rule, seal documents containing personal data identifiers, or redact documents.

III. CONVENTIONAL FILING OF DOCUMENTS.

The following procedures govern certain documents filed conventionally. The assigned judge, upon motion, may authorize conventional filing of other documents. Whenever a document or item is conventionally filed by an ECF registrant, the filer shall electronically file a Notice of Conventional Filing.

A. DOCUMENTS TO BE FILED UNDER SEAL.

Leave of Court is required to file a document under seal, which shall be requested by filing a motion and submitting a proposed order granting the relief. If the motion is granted, the filer shall deliver the original of the document in a clearly identified envelope to the Clerk. For example, if Exhibit 14 to a motion for summary judgment should be sealed, the motion and exhibits should be filed electronically with the

following notation at Exhibit 14: "Exhibit 14 filed under seal pursuant to Court order issued [date]." The original of Exhibit 14 should then be delivered to the Clerk in a clearly identified envelope. If the document is more than 40 pages, *see* Section II.A.5.

B. *PRO SE* LITIGANTS.

Pro se litigants shall file paper originals of all complaints, pleadings, motions, affidavits, briefs, and other documents. The Clerk will scan these original documents, but will retain the paper original only if it is illegible. If the document is more than 40 pages, *see* Section II.A.5.

C. SOCIAL SECURITY AND IMMIGRATION CASES.

1. Absent a showing of good cause, all documents in Immigration cases shall be filed and noticed electronically. In Social Security cases, where the administrative record is not available electronically, it shall be filed conventionally and served conventionally on opposing counsel. The Clerk will maintain such administrative record in paper form.

2. To address the privacy issues inherent in Social Security and Immigration cases, remote access to the individual documents will be limited. *See* F.R.Civ.P.5.2(c). Docket sheets, however, will be remotely available to non-parties.

D. HABEAS CASES

The state court record and transcripts shall be conventionally filed. The Clerk will maintain the state court record and transcripts in paper form until they are returned to the respondent. Counsel shall file all other documents electronically.

IV. PUBLIC ACCESS TO THE ECF SYSTEM

A. PUBLIC ACCESS AT THE COURT.

The public may access the electronic docket and documents filed on the ECF System at no charge at the Clerk's Office during regular business hours (generally, Monday through Friday, 8:30 a.m. to 4:30 p.m.). A copy fee for an electronic reproduction is required in accordance with 28 U.S.C. § 1914.

B. REMOTE ACCESS.

1. **PACER.** Remote electronic access to the ECF System is limited to subscribers to the Public Access to Court Electronic Records ("PACER") system. The Judicial Conference of the United States has ruled that a user fee will be charged for remotely accessing case information, such as filed documents and docket sheets in civil cases. Such fees do not apply to the initial viewing of a document served via an NEF. If, however, the document is again remotely accessed through PACER, a fee will be incurred.

2. **Public Access to Criminal Case Records.** Only attorneys of record who have logged in using their ECF User Login and Password will have remote access to papers filed before November 1, 2004 in criminal cases; remote public access to docket sheets in all criminal cases, however, is available. In addition, remote public access to documents filed on or after November 1, 2004 is available.

3. **Restricted Documents Filed in Criminal Cases.** Presentence Reports, Statements of Reasons, Violation Reports, and other restricted documents filed in criminal cases may be remotely accessed only by counsel for the government and counsel for the applicable defendant. To remotely view these documents from the NEF, counsel should use their ECF Login and Password.

C. CONVENTIONAL COPIES AND CERTIFIED COPIES.

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

V. GLOSSARY OF TERMS.

Conventional Filing or Conventionally Submitted Document:

a filing submitted in paper or other non-electronic, tangible format.

Electronic Case Filing or Electronic Filing:

submitting a pleading, document, or other paper using the Court's Internet-based system (the ECF System) for filing in the Court's case file. Sending a paper to the Clerk or the assigned judge via e-mail or fax does not constitute "electronic filing."

Electronic Signature:

a digital version of an actual signature.

***Martinez* Report:**

an investigative report prepared by prison officials pursuant to Martinez v. Aaron, 570 F.2d 317 (10th Cir. 1978), to develop a record sufficient to ascertain whether there are any factual or legal bases for a prisoner's claims.

Notice of Electronic Filing ("NEF"):

the notice generated by the ECF System when a document is filed. The NEF constitutes the official file stamp. It includes information about what was filed, the text of the docket entry, the unique document stamp, and a list of case participants who will receive e-mail notification of the filing and a list of those who will not. The NEF contains a hyperlink to the filed document that permits the viewer to access the document **one time** through PACER without incurring charges. To do so, the

recipient of the NEF **must** access the document **within 15 days of receipt** using the **document number hyperlink** rather than the hyperlink for the case number. Selecting the case number hyperlink will cause PACER charges to be incurred.

PACER:

PACER is the Federal Judiciary's system for Public Access to Court Electronic Records. A PACER account is required to retrieve documents from the ECF System after the initial transmission of an NEF. To register for a PACER account, visit the PACER Service Center's website at www.pacer.psc.uscourts.gov.

Password:

a series of letters and/or numbers initially assigned by the Court, which should be changed by the ECF registrant using the ECF System's utility menu and should contain a minimum of 8 characters including upper and lower case letters and numbers or special characters.

Pay.Gov:

on-line payment option available only to authorized users.

Portable Document Format (.pdf) Files:

a .pdf file is a file that will look the same on the screen and in print, regardless of what kind of computer or printer is used and regardless of what software package was originally used to create it.

***Pro Se* Parties:**

parties proceeding without attorney representation.

Remote Access:

offsite access to the Court's ECF System.

Scanned Documents:

an image recorded by an electronic device (a "scanner"). The filing party is responsible for the legibility of the scanned document. Documents containing text should be Scanned using optical character reader, which is an option in your scanner preferences.

10 Megabytes (MB):

10 million bytes. A byte is the basic unit of information in computer storage and processing. Documents that are computer-generated require fewer bytes than the equivalent pages of a scanned document. Likewise, documents that are text only use fewer bytes than graphics or photographs.

User Login:

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