

This document outlines the procedures for attorneys to follow when electronically filing SEALED documents in otherwise PUBLIC/NON-SEALED criminal cases.

REVISED: May 2014

SEALED CRIMINAL DOCUMENTS

E-Filing Sealed Documents in
NON-SEALED Criminal Cases

U.S. District Court for the District of Columbia

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

E-FILING SEALED DOCUMENTS IN PUBLIC/NON-SEALED CRIMINAL CASES:

The U.S. District Court for the District of Columbia requires attorneys to electronically file sealed documents in otherwise **PUBLIC/NON-SEALED CRIMINAL CASES** using the Electronic Case Filing (ECF) system. (**Note:** Continue to file documents in completely sealed cases in paper). This procedure should only be used when statutory authority or an order from the court permits the filing of a document under seal. The **doCKET entry** in ECF will not be accessible to the public and the **document** will be **SEALED** upon submission. Once filed, sealed documents will only be accessible by the court. In addition, a Notice of Electronic Filing (NEF) of the docket entry will **not** be sent to any counsel of record.

STATUTORY AUTHORITY:

If statutory authority permits the filing of a document under seal, proceed to **Service of Sealed Documents**.

LEAVE TO FILE:

Before filing your sealed document, you must have leave of court. Your motion for leave to file AND your proposed sealed document can now be filed electronically. Using the event ***Sealed Motion for Leave to File Document Under Seal*** found on the **Sealed Entries for Partially Sealed Cases** menu, file your motion and attach your proposed sealed document as an exhibit. This event and the documents attached will be **SEALED**. (**Note: DO NOT** use a regular motion docket entry on the **Motions** menu to file your proposed sealed document, as it will be visible to the **PUBLIC**). Once the motion is granted, the Clerk's Office will file the sealed document as a new and separate docket entry.

SERVICE OF SEALED DOCUMENTS:

Since the sealed document will not be accessible through an NEF, the filing party is responsible for serving all sealed documents and attachments on opposing counsel by other means. A certificate of service must be included with every filing and a copy of the NEF should be served with the sealed document.

PUBLIC ACCESS:

Sealed documents filed in ECF cannot be viewed remotely or on the Clerk's Office public terminals by either the general public or counsel.

AVAILABLE EVENTS:

Only documents properly filed using specific sealed docket entries are **SEALED** upon submission. The events are located on the **Sealed Entries for Partially Sealed Cases** list of events found under the sub-header **Partially Sealed Cases** on the **CRIMINAL** docketing menu.

The following sealed criminal events are available for your use:

- ***Sealed Motion for Leave to File Document Under Seal***
- ***Sealed Document***
- ***Sealed Motion***
- ***Sealed Opposition***

All sealed documents should be clearly marked as **UNDER SEAL**. If statutory authority permits the filing of a document under seal, you may use the ***Sealed Motion, Sealed Opposition, or Sealed Document*** events. (**Note:** Anything that is not a motion or opposition should be filed using the ***Sealed Document*** event). Otherwise, the ***Sealed Motion for Leave to File Document Under Seal*** event should be used. You may add descriptive text to the docket entry to specify what is being filed. (**Remember:** Both the **ENTRY** and the **DOCUMENT** will be restricted from public view and accessible by the court only).

PROBLEMS WITH FILING A SEALED DOCUMENT:

If you cannot file a sealed document electronically due to a technical problem, you **must** file it pursuant to LCrR 49(f)(6)(iii) in the Clerk's Office during regular business hours (9a.m.-4p.m., Monday through Friday, except holidays). **DO NOT** place the sealed document in the overnight drop box at the 3rd Street entrance of the courthouse and **DO NOT** email it to the court. A signed original and an additional copy in PDF format on a disk are required when sealed documents are filed with the Clerk's Office in person.

FILING A REDACTED DOCUMENT:

If the judge requires you to file a redacted version of a document, the document should be redacted only to the portions that are privileged and confidential and should be filed using the appropriate docketing event to match the title of the document (i.e., motion, memorandum in opposition, etc.). Be sure to add the word **REDACTED** somewhere in the title of the document and in the docket text of the entry.

RED SCREENS:

A sealed docket entry will eventually turn **RED**, beginning with the screen **after** you add your PDF documents. This is the indication that you are using a sealed document event. If the screen **DOES NOT** turn red, **STOP** immediately. You will need to start your docket entry over to ensure you are using the proper sealed document event.



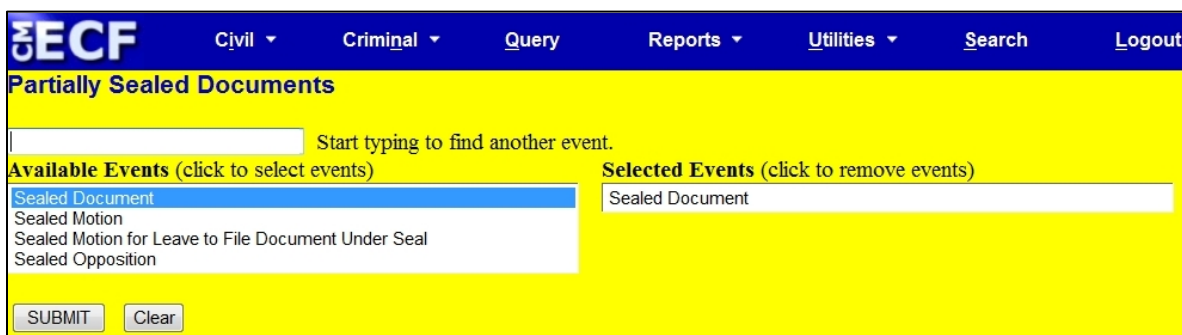
SUMMARY:**SEALED DOCUMENTS IN PUBLIC/NON-SEALED *CRIMINAL* CASES**

- *Only documents properly filed using events on the Sealed Entries for Partially Sealed Cases docketing menu are SEALED upon submission.*
- *Once properly filed, only the judge and limited court staff may access sealed documents.*
- *If the judge requests a redacted version to be filed, it should be filed using the docketing event that matches the title of the document with the word REDACTED added to the docket text.*
- *Opposing counsel will not receive a Notice of Electronic Filing (NEF), therefore he/she must be served by other means and a certificate of service must be included with the sealed document.*
- *Filing a sealed document electronically is only permitted by statutory authority or an order from the court.*
- *Add descriptive text to the docket entry to specify what is being filed.*
- *If the screen does not turn RED while filing your document, STOP and ensure that you are using the proper sealed document event.*

SEALED CRIMINAL DOCUMENTS: SCREEN-BY-SCREEN

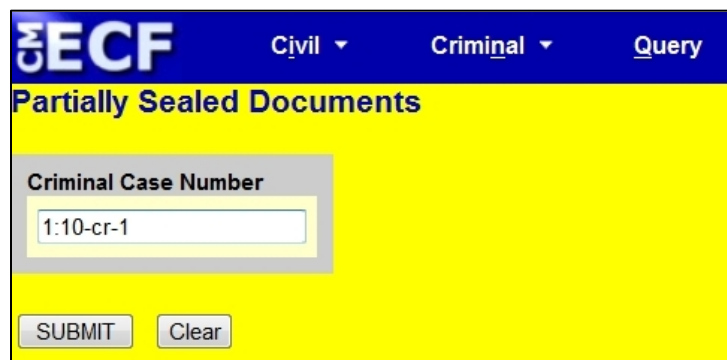
[In this example, we will assume a protective order is already in place.]

1. Select the appropriate **CRIMINAL** event from the **Sealed Entries for Partially Sealed Cases** list. Click **[SUBMIT]**.



The screenshot shows the ECF 'Partially Sealed Documents' interface. The top navigation bar includes 'Civil', 'Criminal', 'Query', 'Reports', 'Utilities', 'Search', and 'Logout'. Below the navigation bar, there is a search input field with the placeholder text 'Start typing to find another event.' Below the search field, there are two columns: 'Available Events (click to select events)' and 'Selected Events (click to remove events)'. The 'Available Events' column contains a list of events: 'Sealed Document', 'Sealed Motion', 'Sealed Motion for Leave to File Document Under Seal', and 'Sealed Opposition'. The 'Selected Events' column contains 'Sealed Document'. At the bottom of the interface, there are 'SUBMIT' and 'Clear' buttons.

2. Enter the case number. Click **[SUBMIT]**.



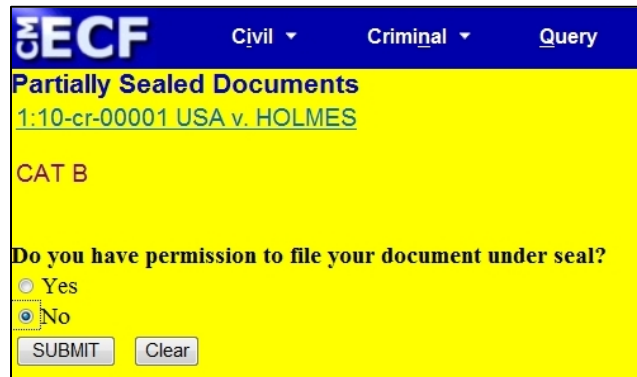
The screenshot shows the ECF 'Partially Sealed Documents' interface. The top navigation bar includes 'Civil', 'Criminal', and 'Query'. Below the navigation bar, there is a 'Criminal Case Number' input field containing the text '1:10-cr-1'. At the bottom of the interface, there are 'SUBMIT' and 'Clear' buttons.

3. Verify case caption/number. Click **[SUBMIT]**.

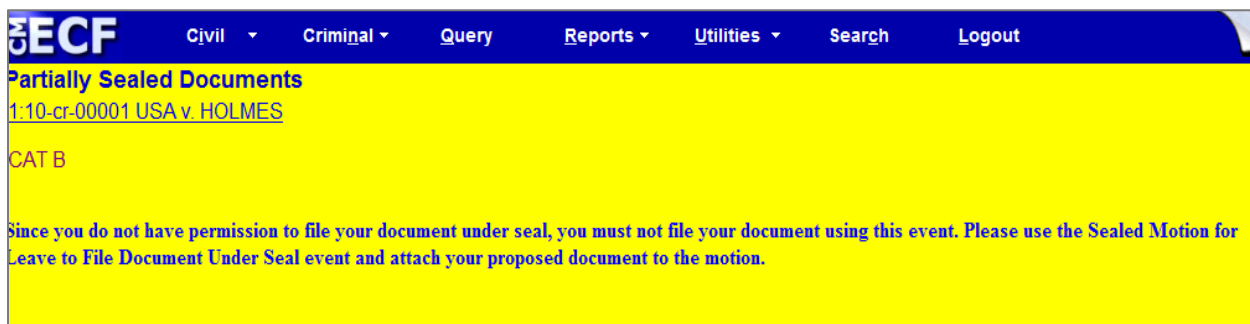


The screenshot shows the ECF 'Partially Sealed Documents' interface. The top navigation bar includes 'Civil', 'Criminal', and 'Query'. Below the navigation bar, there is a case caption '1:10-cr-00001 USA v. HOLMES' and 'CAT B'. At the bottom of the interface, there are 'SUBMIT' and 'Clear' buttons.

4. Answer question: “Do you have permission to file your document under seal?” Click **[SUBMIT]**.
- If No, **STOP** and file a *Sealed Motion for Leave to File Document Under Seal*.
 - If Yes, proceed to step 5.



The screenshot shows the ECF system interface. At the top, there is a blue navigation bar with the ECF logo and menu items: Civil, Criminal, and Query. Below the navigation bar, the page title is 'Partially Sealed Documents' and the case number is '1:10-cr-00001 USA v. HOLMES'. The document category is 'CAT B'. The main content area is yellow and contains the question: 'Do you have permission to file your document under seal?'. There are two radio button options: 'Yes' and 'No'. The 'No' option is selected. At the bottom of the form, there are two buttons: 'SUBMIT' and 'Clear'.



The screenshot shows the ECF system interface. At the top, there is a blue navigation bar with the ECF logo and menu items: Civil, Criminal, Query, Reports, Utilities, Search, and Logout. Below the navigation bar, the page title is 'Partially Sealed Documents' and the case number is '1:10-cr-00001 USA v. HOLMES'. The document category is 'CAT B'. The main content area is yellow and contains a warning message: 'Since you do not have permission to file your document under seal, you must not file your document using this event. Please use the Sealed Motion for Leave to File Document Under Seal event and attach your proposed document to the motion.'

5. Note warning regarding serving opposing counsel by other means. Click **[SUBMIT]**.



The screenshot shows the ECF system interface. At the top, there is a blue navigation bar with the ECF logo and menu items: Civil, Criminal, Query, Reports, Utilities, and Search. Below the navigation bar, the page title is 'Partially Sealed Documents' and the case number is '1:10-cr-00001 USA v. HOLMES'. The document category is 'CAT B'. The main content area is yellow and contains a note: 'NOTE: OPPOSING COUNSEL WILL NOT HAVE ACCESS TO THIS DOCUMENT through the Notice of Electronic Filing generated. You must serve it upon them by other means.' At the bottom of the form, there are two buttons: 'SUBMIT' and 'Clear'.

6. Select the filer(s). Click **[Next]**.

The screenshot shows the ECF system interface. At the top, there are navigation tabs: Civil, Criminal, Query, and Reports. The main heading is "Partially Sealed Documents" with the case number "1:10-cr-00001 USA v. HOLMES" and "CAT B" below it. On the left, there is a tree view with "Collapse All" and "Expand All" buttons. The tree view shows two entries: "USA pla" and "ALEXANDER S. HOLMES dft". On the right, there is a section titled "Select the filer." with a sub-section "Select the Party:". Below this, there is a list box containing "USA [pla]" and "HOLMES, ALEXANDER S. [dft]". At the bottom right, there are "Next" and "Clear" buttons.

7. Attach your PDF document(s), including a Certificate of Service. Click **[SUBMIT]**.
(**Note:** The screen has turned **RED**, indicating it is a sealed docket entry. **If the screen does not turn red here, STOP!** You may be using the wrong event and should start over to make sure you are using the proper sealed docket entry).

The screenshot shows the ECF system interface with a red background. At the top, there are navigation tabs: Civil, Criminal, Query, Reports, Utilities, and Search. The main heading is "Partially Sealed Documents" with the case number "1:10-cr-00001 USA v. HOLMES" and "CAT B" below it. Below this, there is a section titled "Select the pdf document and any attachments." with a sub-section "Main Document". Below "Main Document", there is a text input field containing "N:\FakeDocsECF\sealeddocument.pdf" and a "Browse..." button. Below this, there is a table with columns "Attachments", "Category", and "Description". The table has two rows. The first row has "1. N:\FakeDocsECF\certofservice.pdf", "Certificate of Service", and a "Remove" button. The second row has "2.", a text input field, "Browse...", a dropdown menu, and a text input field. At the bottom, there are "SUBMIT" and "Clear" buttons.

Attachments	Category	Description
1. N:\FakeDocsECF\certofservice.pdf	Certificate of Service	<input type="text"/> Remove
2.	<input type="text"/>	<input type="text"/>

8. For the event ***Sealed Document***, enter the type of sealed document you are filing in the text field (shown below). For the events ***Sealed Motion*** and ***Sealed Opposition***, enter the type of motion you are filing or opposing.



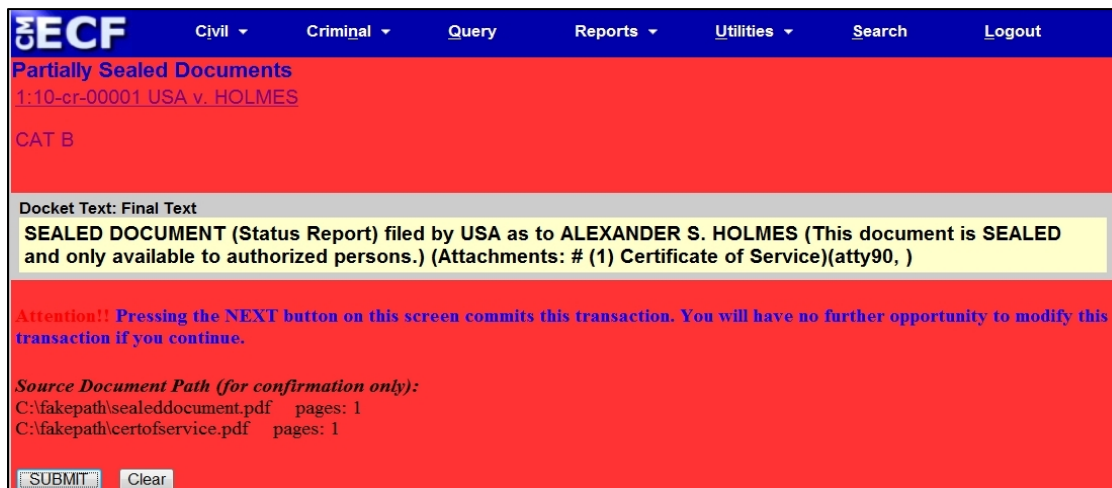
The screenshot shows the ECF system interface. At the top, there is a navigation bar with "Civil", "Criminal", and "Query" dropdown menus. Below this, the page title is "Partially Sealed Documents" and the case name is "1:10-cr-00001 USA v. HOLMES". The category is "CAT B". A text field labeled "Type of Sealed Document" contains the text "Status Report". At the bottom, there are two buttons: "SUBMIT" and "Clear".

9. Click [SUBMIT] again.



This screenshot is identical to the previous one, but the "SUBMIT" button is highlighted with a dashed border, indicating it is the focus of the next step.

10. Verify docket text. Click [SUBMIT].



The screenshot shows the ECF system interface after clicking the SUBMIT button. The navigation bar now includes "Reports", "Utilities", "Search", and "Logout" in addition to "Civil", "Criminal", and "Query". The page title is "Partially Sealed Documents" and the case name is "1:10-cr-00001 USA v. HOLMES". The category is "CAT B". A yellow box contains the docket text: "Docket Text: Final Text" and "SEALED DOCUMENT (Status Report) filed by USA as to ALEXANDER S. HOLMES (This document is SEALED and only available to authorized persons.) (Attachments: # (1) Certificate of Service)(atty90,)". Below this, a red box contains an attention message: "Attention!! Pressing the NEXT button on this screen commits this transaction. You will have no further opportunity to modify this transaction if you continue." At the bottom, there is a section for "Source Document Path (for confirmation only):" with two entries: "C:\fakepath\sealddocument.pdf pages: 1" and "C:\fakepath\certofservice.pdf pages: 1". At the bottom, there are two buttons: "SUBMIT" and "Clear".

11. Receive the Notice of Electronic Filing (NEF) verifying your sealed document has been filed.



The screenshot displays the ECF system interface. At the top, there is a navigation bar with the ECF logo and menu items: Civil, Criminal, Query, Reports, Utilities, Search, and Logout. Below the navigation bar, the page title is "Partially Sealed Documents" followed by the case identifier "1:10-cr-00001 USA v. HOLMES". The document type is listed as "CAT B". The court information is "U.S. District Court District of Columbia".

Notice of Electronic Filing

The following transaction was entered by atty90, on 11/6/2012 at 3:04 PM EDT and filed on 11/6/2012

Case Name: USA v. HOLMES
Case Number: [1:10-cr-00001](#)
Filed: USA
Document Number: [3](#)

Docket Text:
SEALED DOCUMENT (Status Report) filed by USA as to ALEXANDER S. HOLMES (This document is SEALED and only available to authorized persons.) (Attachments: # (1) Certificate of Service)(atty90,)

1:10-cr-00001-1 No electronic public notice will be sent because the case/entry is sealed.

12. Print the NEF and serve it and the sealed document on opposing counsel.