

Electronic Case Filing (ECF)

Tips for Criminal Filings

Listen Carefully,
Tip #1:

When in doubt
call the
ECF helpdesk
at

612-664-5155
866-325-4975



Training for the Legal
Community

Presented by:
U.S. District Court
District of Minnesota
Updated March, 2012

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FILING A DOCUMENT UNDER SEAL IN A CRIMINAL CASE

From the CM/ECF Criminal Procedures Guide

List of Sealed Documents. The following documents shall be filed under seal:

- a. All grand jury matters
- b. Orders for tax returns, tax return and taxpayer information in Title 18 cases (for information on filing an Ex Parte Petition for Orders for tax returns, tax return and taxpayer information on Title 18 cases, see Section VIII of the Criminal Procedures Guide regarding Ex Parte filings by counsel)
- c. Tax information in Title 18 cases
- d. Application and Orders for pen registers
- e. Applications and affidavits with related attachments and exhibits and orders for authorization to intercept oral and electronic communications and orders to seal the recordings and all filings concerning reports and notices required by the statutes
- f. Application, affidavits in support of application and order for authorization to use an electronic tracking device
- g. Applications and Orders for trap and trace device
- h. Motions for a departure under Section 5K of the Sentencing Guidelines or under [18 U.S.C. 3553e](#)
- i. Ex parte applications for determination concerning the disclosure of Brady/Giglio information (see Section VIII of the Criminal Procedures Guide regarding Ex Parte filing procedures)
- j. Motions to compel the testimony of a witness upon grant of use immunity
- k. Applications and related documents and orders for use immunity
- l. Motions for the appointment of a taint team to review privileged material
- m. Joint motion to extend time for filing indictment
- n. Application and Order for Writ of Habeas Corpus Ad Testificandum
- o. Order for issuance of subpoena on behalf of the defendant (for information on filing an Application for Order for issuance of subpoena on behalf of the defendant, see Section VIII of the Criminal Procedures Guide regarding Ex Parte filings by counsel)

- p. Subpoena Duces Tecum
- q. CJA Travel Authorization Applications and Orders
- r. Order Appointing Counsel for Subpoenaed Witness
- s. CJA 20 Appointment - Appointing Counsel for Subpoenaed Witness
- t. Motion and Order for change of custody

Notwithstanding agreement of the parties, no documents other than those listed above shall be filed under seal unless the assigned District or Magistrate Judge has first issued a protective order.

To file documents under seal that are not included on the List of Sealed Documents, the filer shall:

- a. Electronically file in ECF a generic "Motion to Seal." This generic motion should not in any way describe the actual document(s) to be sealed.
- b. Submit an Affidavit in Support of Motion (this is submitted conventionally in paper) to the Judge or Magistrate Judge. Include a "COPY" of the document(s) to be sealed with this submission to the Judge or Magistrate Judge.
- c. Submit a proposed order via e-mail to the Judge's chambers (see Section II, Part F, Subpart 2 of the Criminal Procedures Guide for chambers e-mail addresses). The proposed order should also be generic and should not describe the document(s) to be sealed.
- d. Upon approval of the Motion to Seal, file the document(s) to be sealed with the Clerk's Office. Clearly note on the document(s) "Sealed" or "Filed Under Seal." (Include a copy of the Judge or Magistrate Judge's order approving the sealing with this submission.)
- e. After filing the sealed documents with the Clerk's Office, serve (in paper) the other parties as required by the Federal Rules of Criminal Procedure.

All documents filed under seal must clearly indicate the word "SEALED" or "FILED UNDER SEAL" in the document heading.

THE FEDERAL RULES AND PERSONAL IDENTIFIERS

Information to be Redacted

- Social Security Numbers - Use only last four digits.
- Names of minors - Use the minor's initials
- Dates of birth - Use only the year
- Financial account numbers - Identify the name or type of accounts and financial institution, but use only the last four digits of the account number
- Home addresses - Use only the city and state

According to the Fed. R. Crim. P. 49.1, in addition to filing a redacted version of the document in ECF, a party wishing to file a document containing personal data identifiers may:

1. File an unredacted document under seal without seeking leave of the court in accordance with Section V, Part D, of the Criminal Procedure's Guide regarding filing documents under seal,

OR

2. File a reference list (sample included) under seal without seeking leave of the court in accordance with Section V, Part D regarding filing documents under seal. The reference list shall contain the complete personal data identifier(s) and the redacted identifier(s) used in its place in the filing.

Filing a Redacted Document

1. The filer shall title the redacted version of the document as follows:

REDACTED PURSUANT TO FED.R.CRIM.P. 49.1

2. The filer shall electronically file the redacted version of the document on ECF.
3. If also filing an unredacted original under seal, the filer shall:

- a. Clearly state one of the following in the document heading:

(1) SEALED PURSUANT TO FED.R.CRIM.P. 49.1 - UNREDACTED ORIGINAL
(Redacted Document filed in ECF as Document #[number]);

OR

(2) SEALED PURSUANT TO FED.R.CRIM.P. 49.1 - REFERENCE LIST (Redacted Document filed in ECF as Document #[number])

- b. Attach the Notice of Electronic Filing (NEF) for the redacted version to the front of the sealed unredacted original or reference list.

- c. File the sealed unredacted original or reference list conventionally (i.e., in paper) with the clerk's office.
- d. Receipt of the sealed unredacted original or reference list will be noted on the record and the document(s) shall be retained by the court as part of the court record.

Sample of Personal Data Identifiers - Reference List

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

[Plaintiff's Name]

Plaintiff(s)

**REFERENCE LIST OF
PERSONAL DATA IDENTIFIERS
FILED UNDER SEAL PURSUANT TO THE
Fed. R. Civ. P. 5.2 and Fed. R. Crim. P. 49.1**

v.

[Defendant's Name]

Defendant(s)

Case Number: *[Case Number]*

The following personal identifiers have been redacted pursuant to the Fed. R. Civ. P. 5.2 and Fed. R. Crim. P. 49.1. Below is a listing of the complete personal data identifier and its corresponding partially redacted version. The redacted version will be used in lieu of, and shall be construed to refer to, the corresponding complete identifier in filings in the above referenced case.

SAMPLE

| Description of Data Redacted | Complete Identifier | Partially Redacted Identifier |
|------------------------------------|-------------------------------------|-------------------------------|
| Social Security Number | 123-45-6789 | XXX-XX-6789 |
| Financial Account Number | 987-66-54-321 | XXX-XX-X4-321 |
| Name of Minor Child | Jane Doe | J.D. |
| Date of Birth | 07-04-2004 | 2004 |
| Home Address (criminal cases only) | 123 Main St Smithville, MN 12345 | Smithville, MN |

APPLICATION TO FILE CONVENTIONALLY

1. **Leave of Court Required for Conventional Filing.** A party must seek leave of the court to file a document conventionally, except for the following materials, which can be filed conventionally without a court order:
 - a. Items that cannot be converted to electronic form (e.g., video tape, audio tape, etc.).
 - b. Documents filed under seal pursuant to protective order.
 - c. Unredacted documents filed under seal pursuant [Fed. R. Crim. P. 49.1](#) see Section V, Part D of the Criminal Procedures Guide.

2. **Obtaining Leave to File Conventionally.** To request permission to file certain documents conventionally:
 - a. Complete and file an “Application to File Conventionally” which is available on the “Forms” page of the court’s web site at www.mnd.uscourts.gov.
 - b. The application must be filed in ECF and approved before the filing due date.
 - c. Please complete the form with a detailed description why you are unable to file the documents electronically.
 - d. The filer must allow 7 days for the assigned Magistrate Judge to review this request.
 - e. The Magistrate Judge will issue an order granting or denying the application.
 - f. The most common reason for filing this application would be for voluminous exhibits (see Section V of the Criminal Procedures Guide).

Sample - Application Form

Sample of Application to File Conventionally

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

_____,
Plaintiff,

v.

_____,
Defendant.

**APPLICATION TO
FILE CERTAIN DOCUMENTS
CONVENTIONALLY**

Case No. ____ cr _____ / ____

The undersigned attorney, _____, the attorney of record
[Name of attorney]
for _____, the _____, in the above captioned matter,
[Name of party] [Plaintiff or Defendant]
seeks leave of the court to file the following items conventionally (provide a **detailed description** of the
documents to be filed conventionally - use additional pages as needed):

Leave to file conventionally is requested for the following reasons (**be very specific** by including (i)
the format of the information, (ii) approximate number of pages, and (iii) an explanation as to why the
documents cannot be filed electronically - use additional pages as needed): _____
_____.

Dated: _____, 200__.

[Attorney's signature block (incl phone #)]

Sample - Conventional Filing Placeholder Form

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

PLACEHOLDER FOR
[Title (in ALL CAPS) of doc being filed conventionally]

[Plaintiff's Name]

Plaintiff(s)

v. Case Number: *[Case Number]*

[Defendant's Name]

Defendant(s)

This document is a place holder for the following item(s) which are filed in conventional or physical form with the Clerk's Office:

[list item(s) for which this notice serves as a placeholder in ECF]
(e.g.: Exhibit A - Photo of Airplane)

If you are a participant in this case, this filing will be served upon you in conventional format.

This filing was not e-filed for the following reason(s):

Voluminous Document* (Document number of order granting leave to file conventionally: _____)

Unable to Scan Documents (e.g., PDF file size of one page larger than 15 MB, illegible when scanned)

Physical Object (description):

Non Graphical/Textual Computer File (audio, video, etc.) on CD or other media

Item Under Seal pursuant to a court order* (Document number of protective order: _____)

Item Under Seal pursuant to the Fed. R. Civ. P. 5.2 and Fed. R. Crim. P. 49.1
(Document number of redacted version: _____)

Other (description):

* Filing of these items requires Judicial Approval.

E-file this place holder in ECF in place of the documents filed conventionally. File a copy of this Placeholder and a copy of the NEF with the Clerk's Office along with the conventionally filed item(s).

forms\cmecf\convfilingplchldr.doc Form Updated 07/29/05

SCANNING TIPS

- Use 300dpi for scanning documents.
- Set image type to black and white bitmap, text (image only), or line art.
- Use black ink if possible. Blue ink and pencil do not scan well. If necessary, make a copy of the document before scanning it, and darken with the copy machine settings.
- Request depositions on floppy disk and convert them to PDF using a word processor.
- Use Adobe Acrobat Writer software on the scanning computer to simplify the scanning process. Scan documents directly into Adobe by clicking File...Import...Scan on the menu bar. (Note: you can still use pdfFactory on other computers to convert word processed documents)
- Check the size of a scanned document before uploading it to CM/ECF. The size limit is 15MB or approximately 15,360 KB per document. To check the file size, locate the file in Windows Explorer, right click on the file and choose Properties.
- If a scanned document is larger than 15MB, use Adobe Acrobat Writer to extract pages from the document to a separate file. Or use pdfFactory to print the pages to two separate files. This prevents re-scanning the document.

FREE TOOLS JUST FOR YOU

New Cases Report

The New Cases Report lists new civil and criminal cases filed in the U.S. District Court, District of Minnesota each day. It indicates the date and time (within the hour) the case was assigned, case number, case name, the District Judge assigned to the case, and the Magistrate Judge assigned to the case. The information will be available on the New Cases Report for 30 days. This report is designed to assist the public with viewing new case filings in the U.S. District Court. The Judge assignments in the New Cases Report are listed with their initials. Click on the Judge Initials link to view a listing of the Judge's initials and corresponding full names.

To access the New Cases Report click on the District of Minnesota's Web site at: www.mnd.uscourts.gov. Click on the New Cases tab> Access to the New Cases Report.

Written Opinions

Judges when posting orders and such to ECF have an option to mark a document as a "written opinion." By doing this, it makes the document available in the Written Opinions Report located in ECF in Reports. The entire report is "free" to view in ECF. If a judge has made a document a written opinion it will be noted that way in the docket text.

| Written Opinions Report | | | | |
|--|-------------|--------------------|--|--|
| U.S. District Court -- District of Minnesota | | | | |
| Filed Report Period: 2/26/2006 - 3/31/2006 | | | | |
| Case Number & Name: | Date Filed: | Doc. # | Description: | Notes: |
| 001-cv-00020-ADM-AJB Parker v. Osterberg | 03/28/2006 | 9 | ORDER (Written Opinion). Signed by Judge Ann D. Montgomery on 03/31/06. (admin,) | Office: DMN Case Flags: Rep Recommendation NOS: Contract C Cause: 30.1202 Reclamation Act |
| | 03/28/2006 | 10 | ORDER (Written Opinion). Signed by Judge Ann D. Montgomery on 03/31/06. (admin,) | Office: DMN Case Flags: Rep Recommendation NOS: Contract C Cause: 30.1202 Reclamation Act |
| Total number of opinions reported: 2 | | | | |

Public Terminals

All four courthouses (Minneapolis, St. Paul, Duluth, and Fergus Falls) have public terminals that allow researchers to locate electronic documents on ECF. If you wish to have documents printed, however, a copying fee is imposed.

Court Announcements List

Want to keep track of changes to ECF, press releases, or other court news? Sign up for the Court Announcements List by selecting this as an option under your email address under Maintain Your Account>Email Information.