



Sealed Criminal User's Manual

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Revised July 2015

SEALED CRIMINAL USER’S MANUAL

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Introduction

This document is intended to guide an ECF user through the process of electronically filing restricted documents in a criminal case. Under LR 49.1(b): “All documents submitted in a criminal case —whether sealed or not — must be filed electronically in compliance with the Criminal ECF Procedures Guide.” A new restricted filings menu category has been added to the criminal events page to accommodate the restricted filing events.

Local Rule 49.1(c)(1)-(2) outlines the documents that may be filed under seal without having to file a motion to seal. Any document not listed in LR 49.1(c)(1)-(2) may be filed under temporary seal, followed by a motion to seal the document. Local Rule 49.1(d) provides guidance for filing a motion to seal. The temporarily sealed document may only remain sealed if the court grants the motion to seal.

Please note that for SEALED criminal cases, all documents must continue to be filed in paper; no party will be able to electronically file documents or have electronic access to documents in SEALED cases. Please deliver all documents for sealed cases to the Clerk’s Office or chambers (i.e, Duty Judge Chambers for orders on applications) if that is the current practice.

Questions concerning how to electronically file a restricted document should be directed to the ECF Help Desk (612-664-5155 or ecfhelpdesk@mnd.uscourts.gov).

Restricted Motions and Applications

Summary:

Motions and applications can be divided into two restriction levels: ex parte and applicable party. These procedures will cover each restriction level separately. If a Motion does not fall into a specific event listed, please use the generic Sealed Motion event.

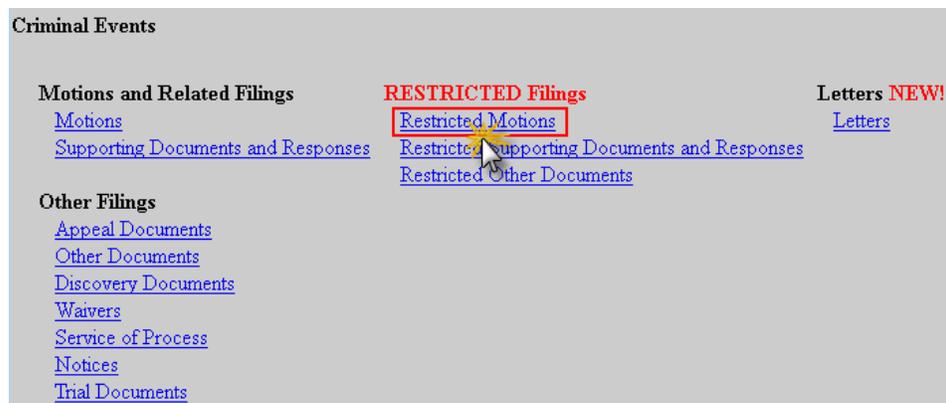
Ex Parte:

Notice of Electronic Filing (NEF) will be sent to the filer only and only the filing party will see the entry on the docket. Use the Ex Parte procedure noted below to file the following documents:

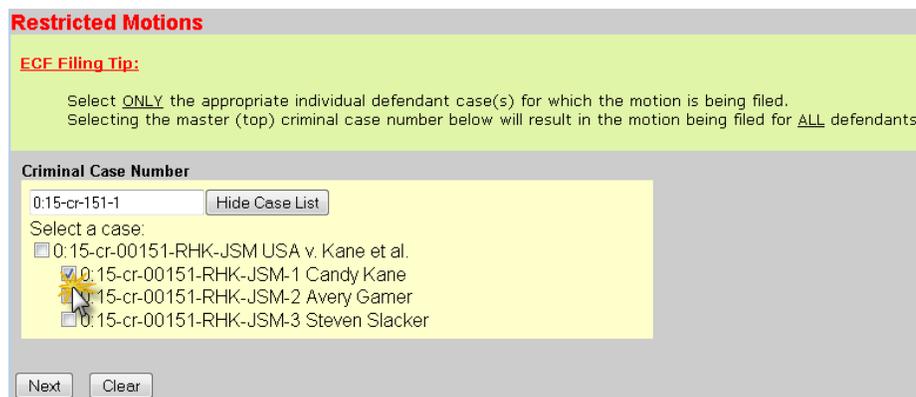
- **Application for Issuance of Subpoena**
- **Application for Issuance of Subpoena Duces Tecum**
- **Application for Writ of Habeas Corpus ad Testificandum**

Procedure:

1. Select **Restricted Motions** under the RESTRICTED Filings category

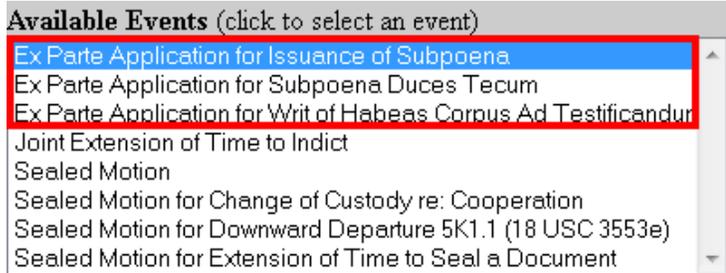


2. Click **Next**
3. Enter the **case number** and select **ONLY** the **appropriate individual defendant(s)** for which the document is being filed. Click **Next**

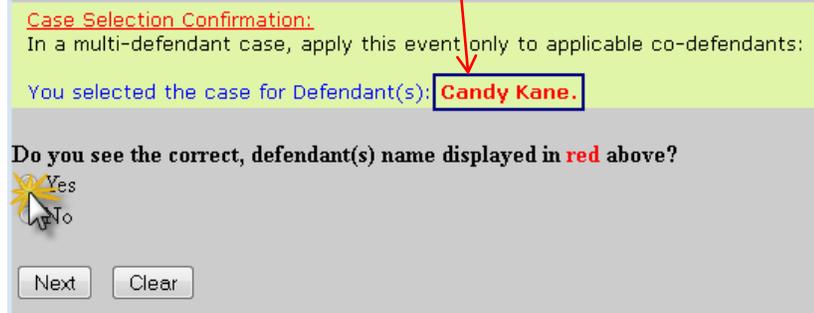


4. Select the **filer** by clicking on the appropriate party. Click **Next**.
**** SELECT ONLY THE INDIVIDUAL(S) FOR WHICH THE DOCUMENT IS BEING FILED. ****

5. Select the **applicable event** from the event list. Click **Next**



6. Confirm that the correct defendant(s) name(s) appear in red. If the correct name(s) is listed, click **Yes**, then **Next**



7. Click **Next** to confirm that both the entry and document will be filed **Ex Parte**



8. Attach the document(s)
9. Click **Next**
10. Confirm that the correct document has been attached. Clicking **Next** will finalize the transaction offering no further opportunity to modify the filing.

11. The NEF (Notice of Electronic Filing) screen will display confirming the filing. Note that only the filing party is noticed.

Notice of Electronic Filing

Case Name: USA v. Kane et al.
Case Number: [0:15-cr-00151-RHK-JSM](#)
Filer: Dft No. 1 - Candy Kane
Document Number: [26](#)

Docket Text:
[APPLICATION for Issuance of Subpoena by Candy Kane.](#)

0:15-cr-00151-RHK-JSM-1 Notice has been electronically mailed to:
Test Attorney atty04@email.com

0:15-cr-00151-RHK-JSM-1 Notice has been delivered by other means to:

**** Important:** The docket entry and document will only be available to the filing party

06/24/2015	26	(Ex Parte) APPLICATION for Issuance of Subpoena by Candy Kane. (Entered: 06/24/2015)
06/24/2015	27	(Ex Parte) APPLICATION for Subpoena Duces Tecum by Candy Kane. (Entered: 06/24/2015)
06/24/2015	28	(Ex Parte) APPLICATION for Writ of Habeas Corpus Ad Testificandum by Candy Kane. (Entered: 06/24/2015)

Warning!

This document has been filed *ex parte*; it is restricted to court users and the filing party.

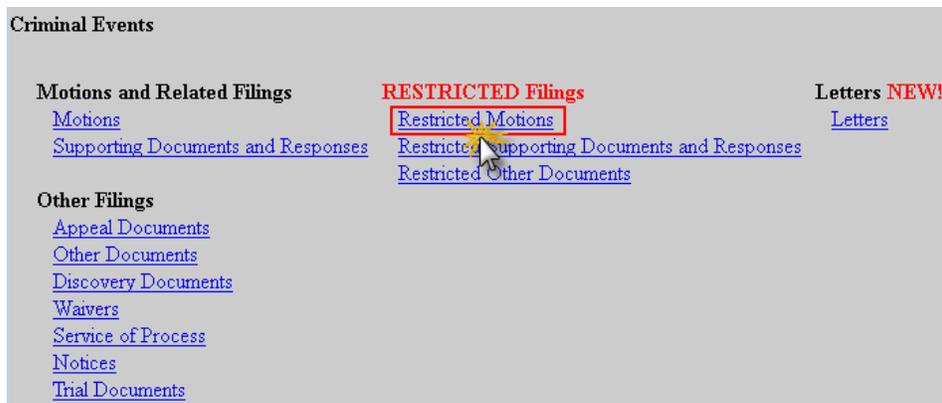
Applicable Party:

During the filing process, the applicable party restriction allows the filer to choose one or more of the case participants, while excluding other case participants from receiving notice. The filing party will select which parties receive the Notice of Electronic Filing (NEF) and see the entry on the docket. Only the parties selected will have access to the entry. No other parties will be noticed and only the court will have access to the document. The entry will not be available on the public docket. Use the Applicable Party procedure noted below to file the following documents:

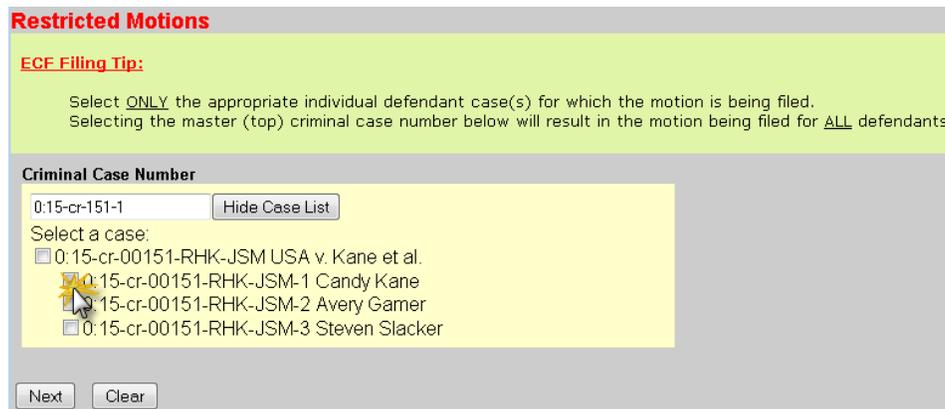
- **Joint Extension of Time to Indict**
- **Sealed Motion**
- **Sealed Motion for Change of Custody**
- **Sealed Motion for Downward Departure 5K1.1 (18 USC 3553e)**
- **Sealed Motion for Extension of Time to Seal a Document**

Procedure:

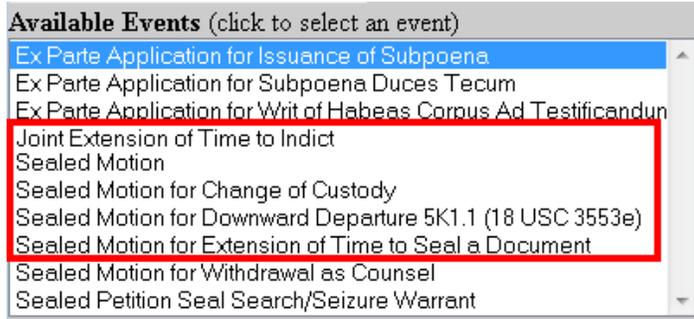
1. Select **Restricted Motions** under the RESTRICTED Filings category



2. Click **Next**
3. Enter the **case number** and select **ONLY** the **appropriate individual defendant(s)** for which the document is being filed. Click **Next**



4. Select the **filer** by clicking on the appropriate party. Click **Next**.
**** SELECT ONLY THE INDIVIDUAL(S) FOR WHICH THE DOCUMENT IS BEING FILED. ****
5. Select the **applicable event** from the event list. Click **Next**



6. Confirm that the correct defendant(s) name(s) appear in red. If the correct name(s) is listed, click **Yes**, then **Next**



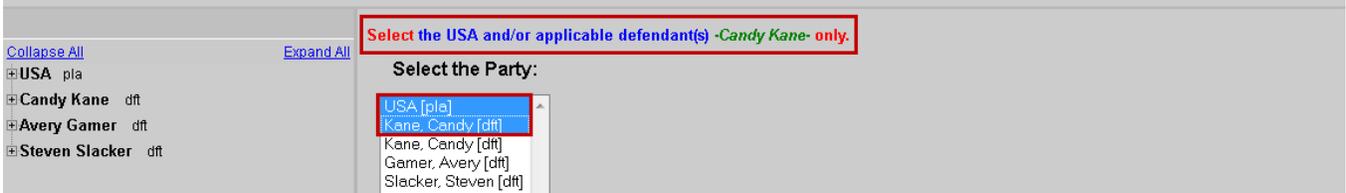
7. Select **ONLY** the **parties** who should be **noticed and granted access to the docket entry**. No other parties will be noticed and only the court will have access to the SEALED document. **If the filing defendant's name appears twice, you only need to select one of them.**
****IMPORTANT: ALL SELECTED PARTIES WILL SEE THE DOCKET ENTRY.**

ECF Restriction Notice:

This will be filed as an **APPLICABLE PARTY** entry and a **SEALED** document.

Only the parties selected below and the court will have access to the entry. No other parties will be noticed. Only the court will have access to the document. The entry will not be available on the public docket.

If service is required, provide all appropriate parties with a copy of the document conventionally.



8. Attach the document(s)

9. Click **Next**
10. Confirm that the correct document has been attached. Clicking **Next** will finalize the transaction offering no further opportunity to modify the filing.
11. The NEF (Notice of Electronic Filing) screen will display confirming the filing. Note that only the parties selected as applicable during filing are noticed.

Notice of Electronic Filing

The following transaction was entered by Two Michael, Attorney Roe on 6/24/2015 at 3:17 PM

Case Name: USA v. Kane et al.

Case Number: [0:15-cr-00151-RHK-JSM](#)

Filer: Dft No. 1 - Candy Kane

Document Number: [29](#)

Docket Text:
[Sealed Document.](#)

0:15-cr-00151-RHK-JSM-1 Notice has been electronically mailed to:

Test AUSA atty03@email.com

Test Defense Attorney atty04@email.com

0:15-cr-00151-RHK-JSM-1 Notice has been delivered by other means to:

**** Important:** The docket entry will only be visible for parties selected as applicable during filing and the document will be sealed.

06/24/2015	29	Sealed Document. (Entered: 06/24/2015)
06/24/2015	30	Sealed Document. (Entered: 06/24/2015)
06/24/2015	31	Sealed Document. (Entered: 06/24/2015)
06/24/2015	32	Sealed Document. (Entered: 06/24/2015)
06/24/2015	33	MOTION for Extension of Time to Seal document(s) . (Entered: 06/24/2015)

Motion to Temporarily Seal a Document

Summary:

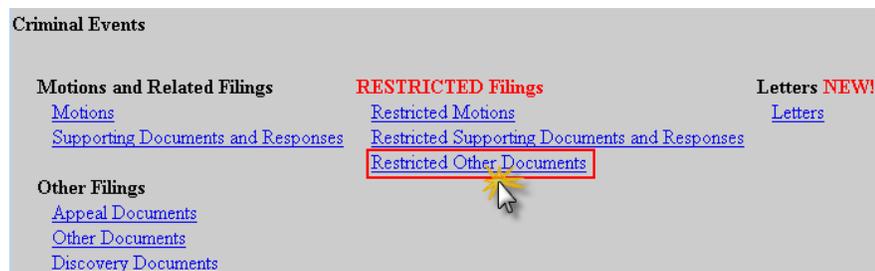
Follow these procedures when leave of the court is necessary to file a document under seal. Pursuant to LR 49.1(d), “a document not listed in LR 49.1(c) may not be filed under seal except by order of the court.”

****IMPORTANT:** The document a party wants to temporarily seal MUST be filed before filing the motion to file a sealed document is filed.

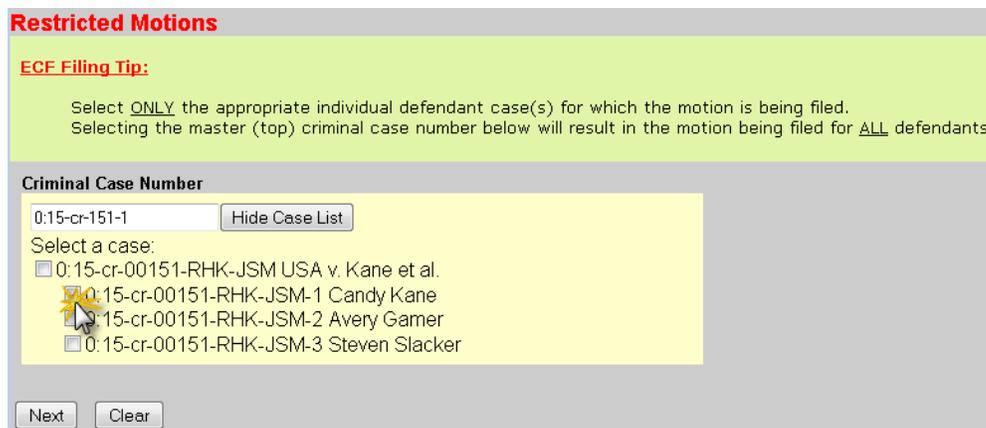
Please note, the motion to file a sealed document is a public document. Also, a party moving to seal more than one document at a time must separately file each document under temporary seal, but may file a single motion that relates to all such documents.

Procedure:

12. File a Document under temporary seal in ECF:
 - a. Click on Criminal
 - b. Select **Restricted Other Documents** under the RESTRICTED Filings category



- c. Enter the **case number** and select **ONLY** the appropriate individual defendant(s) for which the document is being filed. Click **Next**

A screenshot of the 'Restricted Motions' ECF Filing Tip screen. The title is 'Restricted Motions' in red. Below it is an 'ECF Filing Tip:' section with a green background, containing the text: 'Select ONLY the appropriate individual defendant case(s) for which the motion is being filed. Selecting the master (top) criminal case number below will result in the motion being filed for ALL defendants.' Below this is a 'Criminal Case Number' section with a yellow background. It shows a text input field containing '0:15-cr-151-1' and a 'Hide Case List' button. Below that is a 'Select a case:' section with a list of cases, each with a checkbox: '0:15-cr-00151-RHK-JSM USA v. Kane et al.', '0:15-cr-00151-RHK-JSM-1 Candy Kane' (checked), '0:15-cr-00151-RHK-JSM-2 Avery Gamer', and '0:15-cr-00151-RHK-JSM-3 Steven Slacker'. At the bottom are 'Next' and 'Clear' buttons.

- d. Click **Next**
 - e. Select the **filer** by clicking on the appropriate party. Click **Next**.
****SELECT ONLY THE INDIVIDUAL(S) FOR WHICH THE DOCUMENT IS BEING FILED.****

- f. Select **Sealed Document** from the event list. Click **Next**

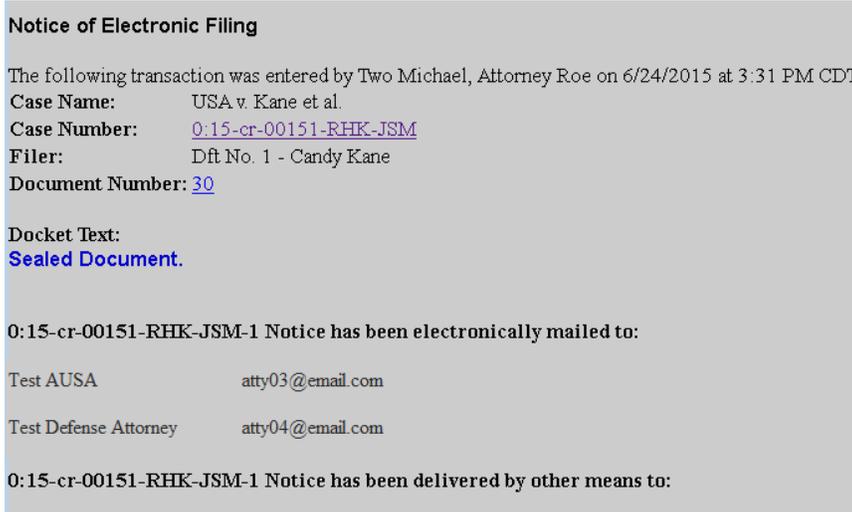
- g. Confirm that the correct defendant(s) name(s) appear in red. If the correct name(s) is listed, click **Yes**, then **Next**.

- h. Select **ONLY** the **parties** who should be **noticed and granted access to the docket entry**. No other parties will be noticed and only the court will have access to the SEALED document. **If the filing defendant's name appears twice, you only need to select one of them.**

****IMPORTANT: ALL SELECTED PARTIES WILL SEE THE DOCKET ENTRY.**

- Click the **Browse** button to attach the document. Click **Next**
- Click **Next**
- Confirm that the correct document has been attached. Clicking **Next** will finalize the transaction offering no further opportunity to modify the filing.

- d. The Notice of Electronic Filing (NEF) screen will display confirming the filing.



**** Important:** The docket entry will only be visible for parties selected as applicable during filing and the document will be sealed.

[30](#) Sealed Document.

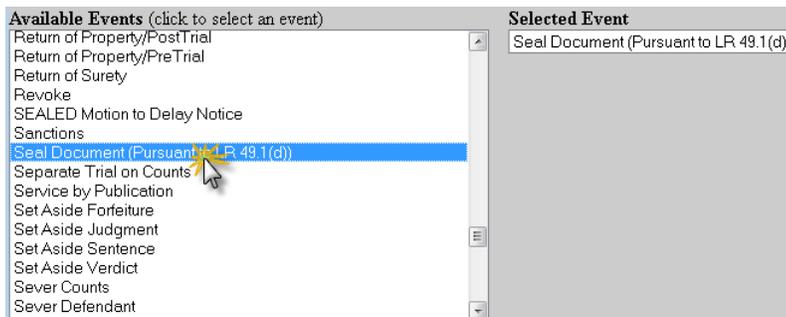
13. File a public Motion to Seal in ECF:

As stated in the LR 49.1(d)(1)(A), the filing party must file “a publicly filed motion that does not disclose the information filed under temporary seal.”

- e. Select **Motions** under the Motions and Related Filings category



- f. Select the **Seal Document (Pursuant to LR 49.1(d))** event



****Important:** The entry and document will be public and every party in the case will receive the NEF.

MOTION to Seal Document by Candy Kane.

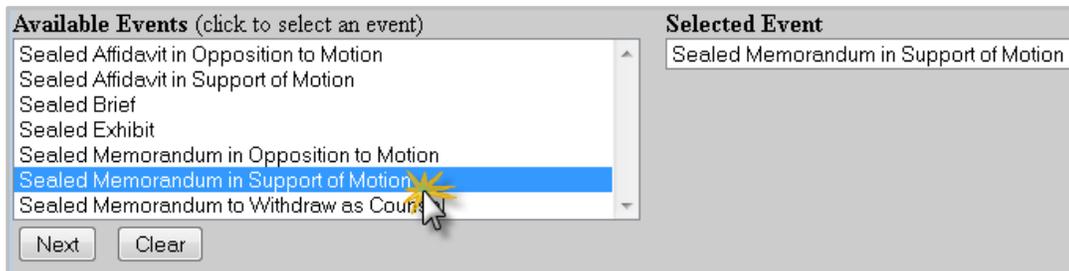
14. File a **Memorandum of Law** under temporary seal in ECF:

**** THROUGHOUT FILING, BE SURE TO SELECT ONLY THE INDIVIDUAL(S) FOR WHICH THE DOCUMENT IS BEING FILED. ****

- g. Select **Restricted Supporting Documents and Responses** under the RESTRICTED Filings category



- h. Select the **Sealed Memorandum in Support of Motion** event



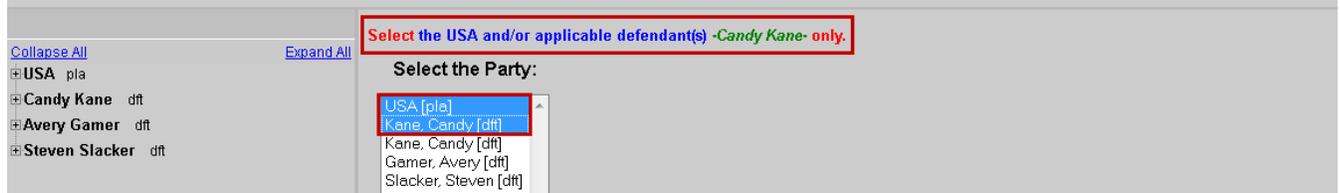
- i. Select **ONLY** the **parties** who should be **noticed and granted access to the docket entry**. No other parties will be noticed and only the court will have access to the SEALED document. **If the filing defendant's name appears twice, you only need to select one of them.**

ECF Restriction Notice:

This will be filed as an APPLICABLE PARTY entry and a SEALED document.

Only the parties selected below and the court will have access to the entry. No other parties will be noticed. Only the court will have access to the document. The entry will not be available on the public docket.

If service is required, provide all appropriate parties with a copy of the document conventionally.



**** Important:** The docket entry will only be visible for parties selected as applicable during filing and the document will be sealed.

15. File any supporting affidavits or exhibits, which may be filed under temporary seal.

16. Provide to chambers a proposed order sealing the document and identifying a specific date the document will be unsealed.

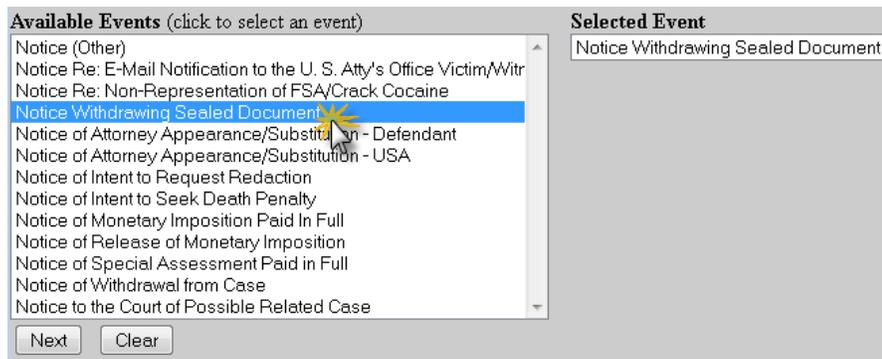
Withdrawing a Sealed Document:

As stated in the LR 49.1(d)(5): “If the court denies the motion to seal in whole or in part:
 (A) Within 7 days after entry of the order denying the motion, the moving party may withdraw the temporarily sealed document by filing a notice of withdrawal. The notice must identify the docket number of the temporarily sealed document.
 (i) If the document is timely withdrawn, the clerk must make the document inaccessible to the parties and the public.
 (ii) If the document is not timely withdrawn, the clerk must unseal the document.
 (B) A temporarily sealed document that is withdrawn is not part of the record and will not be considered by the court unless the document is refiled as a public document.”

1. File a public **Notice Withdrawing a Sealed Document** in ECF:
 - j. Select **Notice** under the Other Filings category



- k. Select the **Notice Withdrawing Sealed Document** event



****Important:** The entry and document will be public and every party in the case will receive the NEF.

NOTICE WITHDRAWING SEALED DOCUMENT by Candy Kane

**** Note that the order denying the Motion to Seal will include an unsealing date.**

ORDER denying [55](#) Motion to Seal Document as to Candy Kane (1) Document to be unsealed on 7/6/2015 Signed by Magistrate Judge Janie S. Mayeron on 6/26/15. (KMM) (Entered: 06/27/2015)

Restricted Supporting Documents and Responses

Summary:

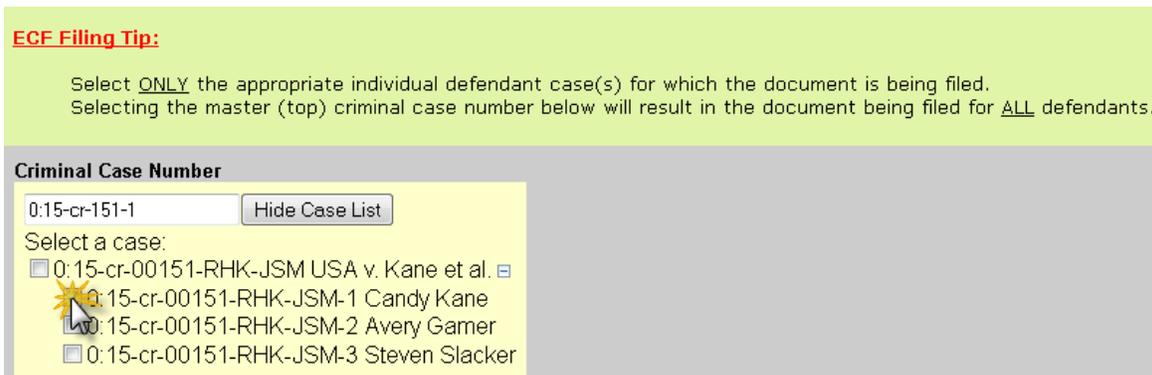
The applicable party restriction has been added to all supporting documents and responses filed under seal. This allows the filer to choose one or more of the case participants to receive the notice of filing, while excluding other case participants from access.

Procedure:

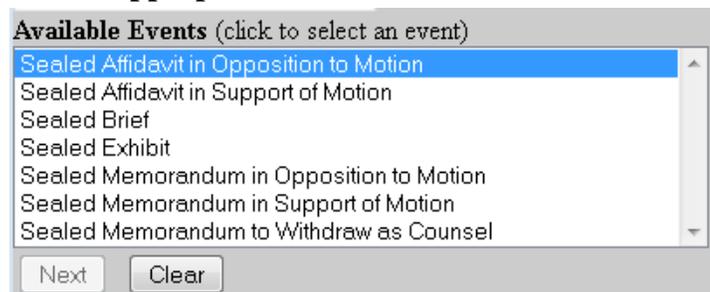
1. Select **Restricted Supporting Documents and Responses** under the RESTRICTED Filings category



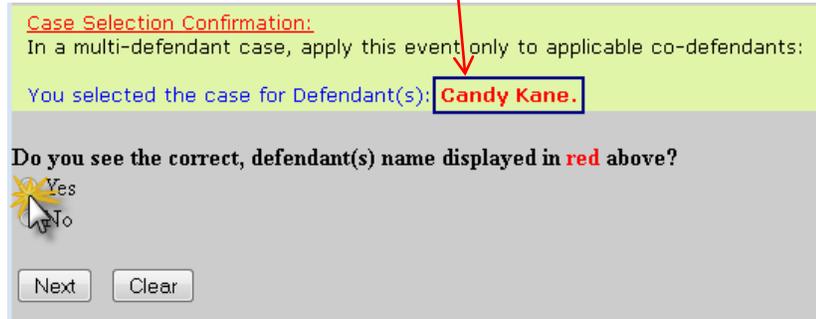
2. Click **Next**
3. Enter the **case number** and select **ONLY** the **appropriate individual defendant(s)** for which the document is being filed. Click **Next**



4. Click **Next**
5. Select the **appropriate event** from the list. Click **Next**



6. Select the **filer** by clicking on the appropriate party. Click **Next**.
**** SELECT ONLY THE INDIVIDUAL(S) FOR WHICH THE DOCUMENT IS BEING FILED. ****
7. Confirm that the correct defendant(s) name(s) appear in red. If the correct name(s) is listed, click **Yes**, then **Next**

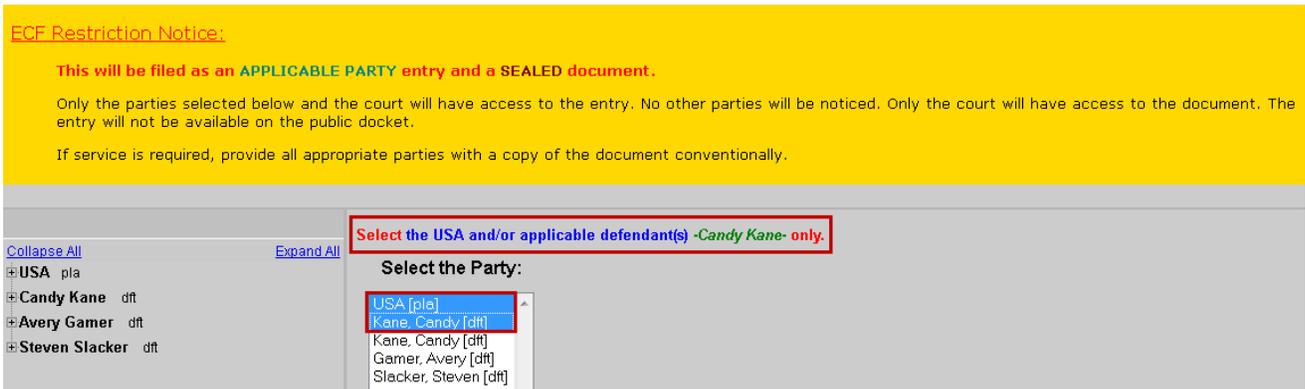


Case Selection Confirmation:
In a multi-defendant case, apply this event only to applicable co-defendants:
You selected the case for Defendant(s): **Candy Kane.**

Do you see the correct, defendant(s) name displayed in red above?

Yes
 No

8. Select **ONLY** the **parties** who should be **noticed and granted access to the docket entry**. If the filing defendant's name appears twice you only have to select one of them.
****IMPORTANT: ALL SELECTED PARTIES WILL SEE THE DOCKET ENTRY.**



ECF Restriction Notice:
This will be filed as an APPLICABLE PARTY entry and a SEALED document.
Only the parties selected below and the court will have access to the entry. No other parties will be noticed. Only the court will have access to the document. The entry will not be available on the public docket.
If service is required, provide all appropriate parties with a copy of the document conventionally.

Select the USA and/or applicable defendant(s) -**Candy Kane**- only.

Select the Party:

- USA [pla]
- Kane, Candy [dft]**
- Kane, Candy [dft]
- Gamer, Avery [dft]
- Slacker, Steven [dft]

9. Attach the document(s)
10. Link the filing to the appropriate motion
11. Click **Next**
12. Confirm that the correct document has been attached. Clicking **Next** will finalize the transaction offering no further opportunity to modify the filing.

13. The NEF (Notice of Electronic Filing) screen will display confirming the filing. Note that only the parties selected as applicable during filing are noticed.

Notice of Electronic Filing

The following transaction was entered by Anderson, Carolyn on 6/25/2015 at 4:34 PM CDT

Case Name: USA v. Kane et al.
Case Number: [0:15-cr-00151-RHK-JSM](#)
Filer: Dft No. 1 - Candy Kane
Document Number: [43](#)

Docket Text:
[Sealed AFFIDAVIT in Opposition to Motion.](#)

0:15-cr-00151-RHK-JSM-1 Notice has been electronically mailed to:

Test AUSA atty03@email.com
 Test Defense Attorney atty04@email.com

0:15-cr-00151-RHK-JSM-1 Notice has been delivered by other means to:

**** Important:** The docket entry will only be visible for parties selected as applicable during filing and the document will be sealed.

06/25/2015	42	MOTION to Withdraw as Attorney by Attorney 1 by Candy Kane. (Anderson, Carolyn) (Entered: 06/25/2015)
06/25/2015	43	Sealed AFFIDAVIT in Opposition to Motion. (Entered: 06/25/2015)
06/25/2015	44	Sealed AFFIDAVIT in Support of Motion. (Entered: 06/25/2015)
06/25/2015	45	Sealed BRIEF. (Entered: 06/25/2015)
06/25/2015	46	Sealed Exhibit. (Entered: 06/25/2015)
06/25/2015	47	Sealed MEMORANDUM in Opposition of Motion. (Entered: 06/25/2015)
06/25/2015	48	Sealed Memorandum in Support of Motion. (Entered: 06/25/2015)
06/25/2015	49	Sealed Memorandum to Withdraw as Counsel. (Entered: 06/25/2015)

Restricted Other Documents:

Ex Parte:

In Camera Review of Brady/Giglio Materials:

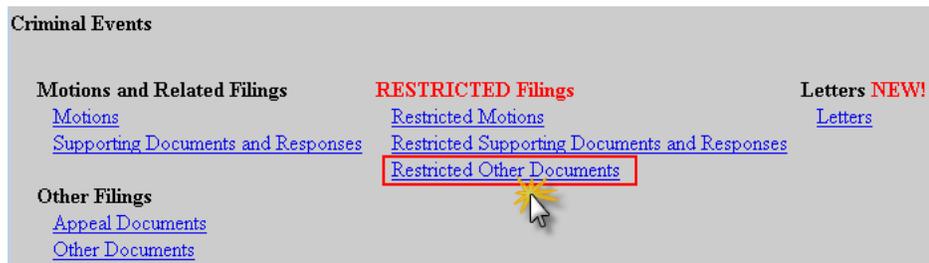
Summary: According to LR 49.1, *Brady/Giglio* materials will be reviewed in camera before the judge or magistrate judge handling the proceedings at the time the request is made. This review of *Brady/Giglio* materials must be filed under seal and must not be unsealed except by court order.

Ex Parte Notice to the Court of Possible Related Case:

Summary: This event is used in cases that are believed to be related. Once the related cases are identified, the judges with the two cases will decide if they are related and if one judge should be assigned to both cases. The filer will file the Ex Parte Notice in the public case and provide a copy of the notice to the Clerk's Office for filing in a sealed case if applicable.

Procedure:

1. Select **Restricted Other Documents** under the RESTRICTED Filings category



2. Enter the **case number** and select **ONLY** the **appropriate individual defendant(s)** for which the document is being filed. Click **Next**

ECF Filing Tip:

Select ONLY the appropriate individual defendant case(s) for which the document is being filed. Selecting the master (top) criminal case number below will result in the document being filed for ALL defendants.

Criminal Case Number

0:15-cr-151-1

Select a case:

0:15-cr-00151-RHK-JSM USA v. Kane et al.

0:15-cr-00151-RHK-JSM-1 Candy Kane

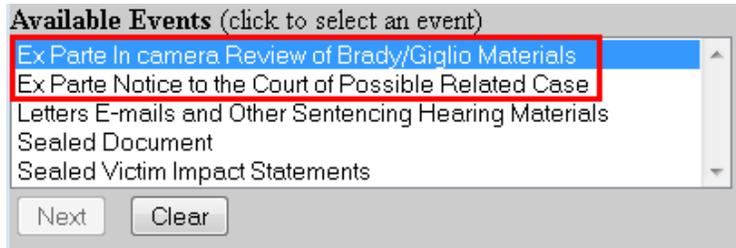
0:15-cr-00151-RHK-JSM-2 Avery Garner

0:15-cr-00151-RHK-JSM-3 Steven Slacker

3. Click **Next**

4. Select the **filer** by clicking on the appropriate party. Click **Next**.
**** SELECT ONLY THE INDIVIDUAL(S) FOR WHICH THE DOCUMENT IS BEING FILED. ****

5. Select the **applicable event** from the event list. Click **Next**



6. Confirm that the correct defendant(s) name(s) appear in red. If the correct name(s) is listed, click **Yes**, then **Next**



7. Click **Next** to confirm that the docket entry and the document will be **Ex Parte**

ECF Restriction Notice:

Both the entry and document will be filed ExParte.

Only the filer and the court will have access to the entry and documents. No other parties will be noticed. The entry will not be available on the public docket.

8. Attach the document(s)
9. Click **Next**
10. Confirm that the correct document has been attached. Clicking **Next** will finalize the transaction offering no further opportunity to modify the filing.

11. The NEF (Notice of Electronic Filing) screen will display confirming the filing. Note that only the filing party is noticed.

Notice of Electronic Filing

The following transaction was entered by Test AUSA on 6/25/15

Case Name: USA v. Kane et al.
Case Number: [0:15-cr-00151-RHK-JSM](#)
Filer: Dft No. 1 - Candy Kane
Document Number: [35](#)

Docket Text:
[In camera Review of Brady/Giglio Materials by USA.](#)

0:15-cr-00151-RHK-JSM-1 Notice has been electronically mailed to:
Test AUSA atty03@email.com

0:15-cr-00151-RHK-JSM-1 Notice has been delivered by other means to:

**** Important:** The docket entry and document will only be available to the filing party and the court.

[36](#) In camera Review of Brady/Giglio Materials by USA.

Warning!
This document has been filed *ex parte*; it is restricted to court users and the filing party.

Letters, Emails and Other Sentencing Hearing Materials:

Summary: Letters, emails, and similar materials submitted in connection with a sentencing hearing may be filed under seal without court permission and will be unsealed when the judgment is entered pursuant to LR 49.1(c)(2)(I). During the filing process, the filing party will select which parties receive the Notice of Electronic Filing (NEF). The docket entry will be public, but the document will be restricted to only the parties selected as applicable during filing.

Procedure:

1. Select **Restricted Other Documents** under the RESTRICTED Filings category



2. Enter the **case number** and select **ONLY** the **appropriate individual defendant(s)** for which the document is being filed. Click **Next**

ECF Filing Tip:

Select ONLY the appropriate individual defendant case(s) for which the document is being filed. Selecting the master (top) criminal case number below will result in the document being filed for ALL defendants.

Criminal Case Number

0:15-cr-151-1

Select a case:

0:15-cr-00151-RHK-JSM USA v. Kane et al.

0:15-cr-00151-RHK-JSM-1 Candy Kane

0:15-cr-00151-RHK-JSM-2 Avery Gamer

0:15-cr-00151-RHK-JSM-3 Steven Slacker

3. Click **Next**
4. Select the **filer** by clicking on the appropriate party. Click **Next**.
**** SELECT ONLY THE INDIVIDUAL(S) FOR WHICH THE DOCUMENT IS BEING FILED. ****

5. Select **Letters, E-mails, and Other Sentencing Hearing Materials** from the event list. Click **Next**

6. Confirm that the correct defendant(s) name(s) appear in red. If the correct name(s) is listed, click **Yes**, then **Next**

7. Select **ONLY** the **parties** who should be **granted access to the sealed document**. **If the filing defendant's name appears twice you only have to select one of them.**
****IMPORTANT: ALL SELECTED PARTIES WILL HAVE ACCESS TO THE DOCUMENT.**

8. Attach the document(s). **Note that the Position on Sentencing/Sentencing Memorandum must be filed separately.**
9. Click **Next**
10. Confirm that the correct document has been attached. Clicking **Next** will finalize the transaction offering no further opportunity to modify the filing.

11. The NEF (Notice of Electronic Filing) screen will display confirming the filing. Note that only the parties selected as applicable during filing are noticed.

The following transaction was entered by Anderson, Carolyn on 6/25/2015 at 3:07 PM CDT and filed on 6/25/2015
Case Name: USA v. Kane et al.
Case Number: [0:15-cr-00151-RHK-JSM](#)
Filer: Dft No. 1 - Candy Kane
Document Number: [38](#)

Docket Text:
[Letters, E-mails, and Other Sentencing Hearing Materials as to Candy Kane.](#)

0:15-cr-00151-RHK-JSM-1 Notice has been electronically mailed to:

Test AUSA	atty03@email.com
Test Defense Attorney	atty04@email.com

****Important:** The docket entry will be public and the document restricted to the applicable parties selected during filing.

[38](#) Letters, E-mails, and Other Sentencing Hearing Materials as to Candy Kane.

Sealed Document, Sealed Redacted Document, Unredacted Document and Sealed Victim Statement

Summary:

The Sealed Document docket entry will be restricted to the applicable parties selected during filing and the document will be sealed. The Sealed Victim Statement will have a public docket entry and a sealed document.

Procedure:

These filings follow the procedure listed above, but have different restriction levels, as noted below:

Sealed Document and Sealed Redacted Document:

ECF Restriction Notice:

This will be filed as an **APPLICABLE PARTY** entry and a **SEALED** document.

Only the parties selected below and the court will have access to the entry. No other parties will be noticed. Only the court will have access to the document. The entry will not be available on the public docket.

Sealed Victim Statement:

ECF Restriction Notice:

This will be filed as a **PUBLIC** entry and a **SEALED** document.

All parties will have access to the document and will be noticed. Only the court will have access to the document. The entry will be available on the public docket.

Unredacted Document:

ECF Restriction Notice:

This will be filed as a **PUBLIC** entry and a **COURT-ONLY** document.

All parties will have access to the document and will be noticed. Only the court will have access to the document. The entry will be available on the public docket.