



UNITED STATES DISTRICT COURT District of Minnesota

John R. Tunheim, Chief Judge
Richard D. Sletten, Clerk

Warren E. Burger Federal
Building and U.S. Courthouse
316 North Robert Street
Suite 100
St. Paul, MN 55101
(651) 848-1100

U.S. Courthouse
300 South Fourth Street
Suite 202
Minneapolis, MN 55415
(612) 664-5000

Gerald W. Heaney Federal Building
and U.S. Courthouse and Customhouse
515 West First Street
Suite 417
Duluth, MN 55802
(218) 529-3500

Edward J. Devitt U.S. Courthouse
and Federal Building
118 South Mill Street
Suite 212
Fergus Falls, MN 56537
(218) 739-5758

PUBLIC NOTICE

Date: April 4, 2016
Contact: Tricia Pepin
(612) 664-5129

PROPOSED AMENDMENTS TO LOCAL RULE 49.1

The United States District Court for the District of Minnesota is issuing for public comment proposed amendments to the Court's Local Rules. The Court proposes amendments to LR 49.1, Filing Documents Under Seal in Criminal Cases. A summary of the proposed amendments is provided below.

LR 49.1(e) Sealed Indictments

The Court adopted new LR 49.1 in July 2015 and now proposes amendments to subsection (e) of the rule. The proposed amendments clarify that subsection (e) applies to all indictments filed under seal, not just multi-defendant indictments. The proposed amendments provide that when a single-defendant indictment is filed under seal, it may remain sealed until the defendant makes an initial appearance or the court orders the unsealing of the case.

The proposed amendments also change how sealed indictments in multi-defendant cases will be treated. The proposed amendments provide that the clerk must unseal a defendant's case after the U.S. Attorney files a redacted indictment that discloses the charges against that defendant or when the court orders the unsealing of the defendant's case. The proposed amendments further provide that the clerk must unseal the entire indictment when all defendants have made an initial appearance or the court orders the unsealing of the entire indictment.

These proposed amendments are provided in redline, below.

(e) **Sealed ~~Multi-Defendant~~ Indictments.**

(1) Single-Defendant Indictment. If a single-defendant indictment is filed under seal, the clerk must unseal the case when:

(A) the defendant makes an initial appearance, or

(B) the court orders the unsealing ~~Duties of United States Attorney. After filing~~ the case.

(2) Multi-Defendant Indictment. If a multi-defendant indictment is filed under seal,:

(A) the United States Attorney must, at or before the initial appearance of any defendant, publicly file a redacted indictment that discloses the charges against that defendant; and

~~(2) —Duties of Clerk.—After a multi-defendant indictment is filed under seal,~~

(B) the clerk must : unseal the a defendant's case upon the earlier of the following when:

(i) the ~~filing of~~ United States Attorney files a redacted indictment ~~disclosing that discloses~~ the charges against ~~any that~~ defendant; or

(ii) the ~~entry of an order~~ court orders the unsealing the of that defendant's case; and

(C) the clerk must unseal the entire indictment ~~upon the earlier of the following~~ when:

(i) ~~after~~ all defendants have made ~~their an~~ initial appearance; or

(ii) ~~30 days after~~ the ~~sealed~~ court orders the unsealing of the entire indictment ~~was filed.~~

The Court's Federal Practice Committee, chaired by Doug Peterson, recommended that public comment be solicited on these proposed amendments. The proposed amendments are posted by the Court for public review and comment through May 4, 2016. Comments should be provided in writing to the Clerk of Court at the address above, or by e-mail to MnFedRules@mnd.uscourts.gov. The Court will consider adoption of the proposed amendments after reviewing any comments or suggestions submitted on or before May 4, 2016.