



**Sealed Criminal User's Manual**

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

***Updated: July 19, 2022***

## CONTENTS

INTRODUCTION.....	1
RESTRICTED MOTIONS AND APPLICATIONS.....	2
EX PARTE MOTIONS .....	2
EX PARTE MOTION FOR CHANGE OF CUSTODY OF WITNESS.....	3
MOTION FOR WITHDRAWAL AS COUNSEL (EX PARTE DOCUMENT) .....	3
SEALED MOTIONS .....	4

## **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 [Electronic Case Filing Procedures Guide – Criminal Cases](#).”

[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.

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

## RESTRICTED MOTIONS AND APPLICATIONS

### SUMMARY

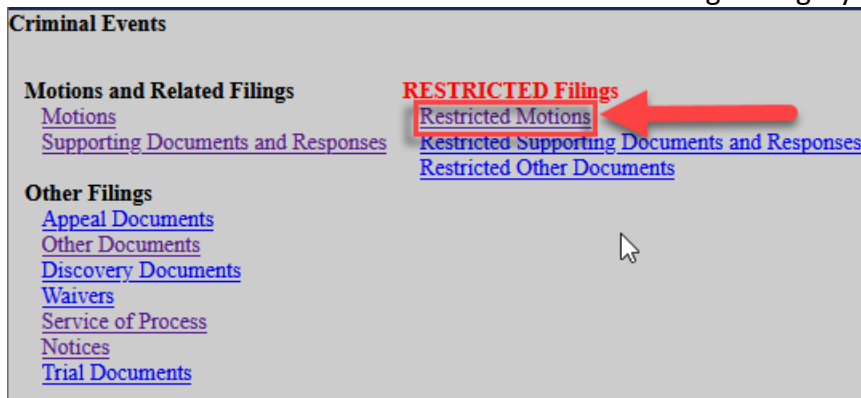
Motions and applications can be divided into two restriction levels: ex parte and applicable party. These procedures will cover each restriction level separately. If a motion does not fall into a specific event listed, please use the generic Sealed Motion event.

### EX PARTE MOTIONS

Both the entry and document are filed ex parte. Only the filer and the court have access to the entry and documents. No other parties are noticed. The entry is not available on the public 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
- Motion for Miscellaneous Relief
- Motion for Change of Custody of Witness
- Motion for Withdrawal as Counsel (Ex Parte Document)

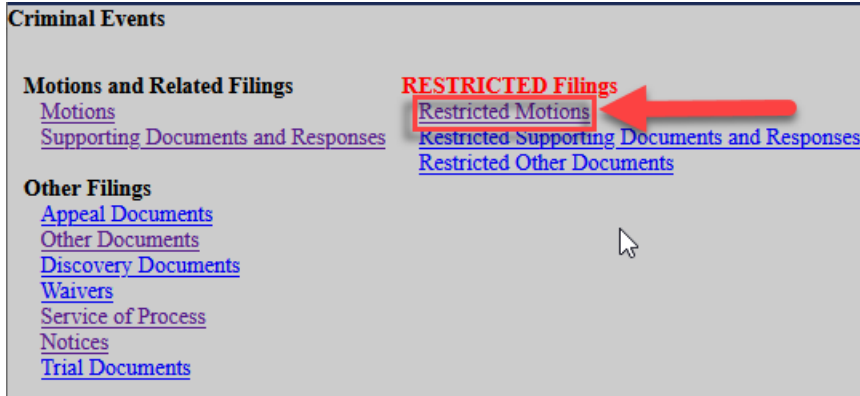
1. Select **Restricted Motions** under the RESTRICTED Filings category.



2. Read the ECF Filing Tip. Click **Next**.
3. Enter the case number. 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 list. Click **Next**.
6. Confirm the correct defendant(s) name(s) appears in red. If the name is correct, click **Yes**. Click **Next**.
7. Read the ECF Restriction Notice. Click **Next**.
8. If applicable, check the box if the Duty Magistrate Chambers should receive an NEF (Notice of Electronic Filing). Click **Next**.
9. Click **Browse** to attach the document. Click **Next**.
10. If applicable, modify the docket text. Click **Next**.
11. Confirm the correct document was attached.. Click **Next**.
12. The NEF screen will appear confirming the filing. Only the filing party is noticed. The docket entry and document are only available to the court and the filing party.

## EX PARTE MOTION FOR CHANGE OF CUSTODY OF WITNESS

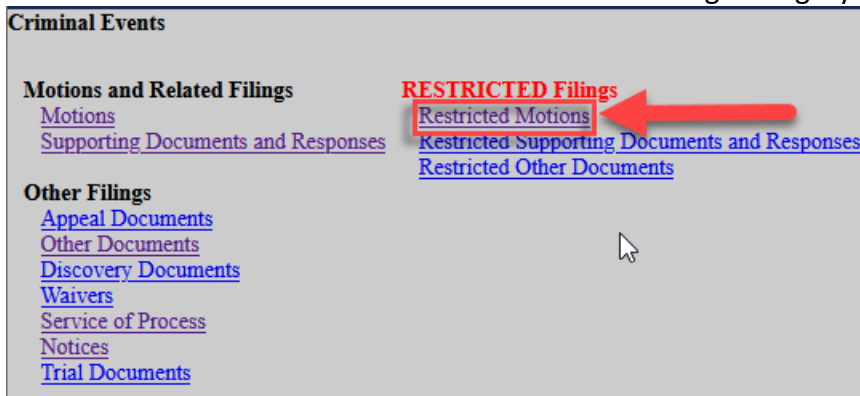
1. Select **Restricted Motions** under the RESTRICTED Filings category.



2. Read the ECF Filing Tip. Click **Next**.
3. Enter the case number. 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 **Ex Parte Motion for Change of Custody of Witness** from the list. Click **Next**.
6. Confirm the correct defendant(s) name(s) appears in red. If the correct name is listed, click **Yes**. Click **Next**.
7. Read the ECF Restriction Notice. Click **Next**.
8. Check the box if the Duty Magistrate Chambers should receive an NEF. Click **Next**.
9. Click **Browse** to attach the document. Click **Next**.
10. Click **Next**.
11. Confirm the correct document is attached. Click **Next**.
12. The NEF screen will appear confirming the filing. Note that only the filing party is noticed. The docket entry and document are only available to the court and the filing party.

## MOTION FOR WITHDRAWAL AS COUNSEL (EX PARTE DOCUMENT)

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



2. Read the ECF Filing Tip. Click **Next**.
3. Enter the case number. 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 **Motion to Withdraw Counsel (Ex Parte Document)** from the list. Click **Next**.

6. Confirm the correct defendant(s) name(s) appears in red. If the correct name is listed, click **Yes**. Click **Next**.
7. Read the ECF Restriction Notice. Click **Next**.
8. Click **Browse** to attach the document. Click **Next**.
9. Enter the name of attorney. Click **Next**.
10. Modify the docket text if necessary. Click **Next**.
11. Confirm the correct document is attached. Click **Next**.
12. The NEF will appear confirming the filing. The entry is a public entry and the court and every party in the case will receive the NEF. The entry will appear on the docket sheet, but the document will only be available to the court and the filing party.

## SEALED MOTIONS

During the filing process, the applicable party restriction allows the filer to choose one or more of the case participants, while excluding others from receiving notices and having access to the document. The filing party will select which parties (including the filing party) will receive the NEF, see the entry on the docket and have access to the documents. Only the parties selected have access to the entry and the document. No other parties are noticed. The entry and document are not available on the public docket.

Use the Applicable Party procedure below to file the following documents:

- Ex Parte Application for Issuance of Supoena
- Ex Parte Application for Subpoena Duces Tecum
- Ex Parte Application for Writ of Habeas Corpus Ad Testificandum
- Ex Parte Motion for Change of Custody of Witness
- Ex Parte Motion for Miscellaneous Relief
- Ex Parte Motion to Delay Notice
- Motion for Withdrawal as Counsel (Ex Parte Document)
- Sealed Application Not to Disclose Search Warrant (2705b)
- Sealed Application for Electronic Investigation
- Sealed Joint Extension of Time to Indict
- Sealed Motion\*
- Sealed Motion for Change of Custody
- Sealed Motion for Downward Departure 5K1.1 ([18 U.S.C. 3553e](#))\*
- Sealed Motion for Extension of Time to Seal a Document\*
- Sealed Motion to Reduce Sentence – USSC Amendment ([18 U.S.C. 3582\(c\)](#))\*
- Sealed Petition to Seal Search/Seizure Warrant

\*These motions require a motion to seal.

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



2. Read the ECF Filing Tip. Click **Next**.
3. Enter the case number. 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 list. Click **Next**.
6. Confirm the correct defendant(s) name(s) appears in red. If the correct name is listed, click **Yes**. Click **Next**.
7. Select ONLY the parties who should have access to the entry and document. Both the entry and the document are restricted to only the parties applicable to this filing. Only the parties selected have access to the entry and document. No other parties are noticed. The entry is not available on the public docket. If the filing defendant's name appears twice, you only need to select one of them. Click **Next**.

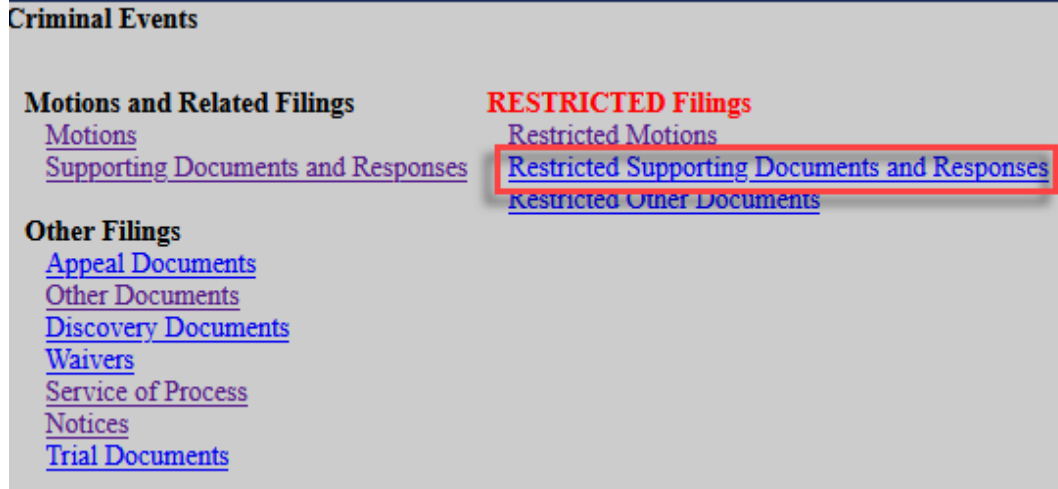
**\*\*IMPORTANT: ALL PARTIES SELECTED PARTIES WILL SEE THE ENTRY AND THE DOCUMENT.**

The screenshot displays the 'Restricted Motions' section of the ECF Filing interface. At the top, the case title '0:20-cr-00010-NEB-HB USA v. Doe et al' is shown, along with the document type 'COMBO\_PLEA/SENT,CONT-TRL'. A yellow banner contains an 'ECF Restriction Notice' stating: 'Both the entry and document will be restricted to only the parties applicable to this filing. Only the parties selected below will have access to the entry and document. No other parties will be noticed. The entry will not be available on the public docket.' Below this, a red-bordered box highlights the instruction: 'Select the USA and/or applicable defendant(s) -John Doe- only.' The 'Select the Party' dropdown menu is open, showing a list of parties: 'USA [pla]', 'Doe, John [dft]', 'Doe, John [dft]', 'Doe, Jane [dft]', and 'Smith, Sue [dft]'. The 'USA [pla]' option is currently selected. To the left of the dropdown, a list of parties is shown with expand/collapse icons: 'USA pla', 'John Doe dft', 'Jane Doe dft', and 'Sue Smith dft'. At the bottom of the dropdown menu, there are 'Next' and 'Clear' buttons.

8. If applicable, check the box if the Duty Magistrate Chambers should receive an NEF. Click **Next**.
9. Click **Browse** to attach the document. Click **Next**.
10. If applicable, confirm the filer. Click **Next**.
11. Click **Next**.
12. Confirm the correct document is attached. Click **Next**.
13. The NEF screen will appear confirming the filing. Only the parties selected as applicable during filing are noticed. The entry and the document are only available to the court and the parties applicable to the filing.

## FILING RESTRICTED SUPPORTING DOCUMENTS AND RESPONSES UNDER TEMPORARY SEAL IN ECF

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



2. Read the ECF Filing Tip. Click **Next**.
3. Enter the case number. Select ONLY the appropriate individual defendant(s) for which the document is being filed. Click **Next**.
4. Confirm the correct case number has been entered. Click **Next**.
5. Select the applicable 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 the correct defendant(s) name(s) appears in red. If the correct name is listed, click **Yes**. Click **Next**.
8. Select ONLY the parties who should have access to the entry and document. Both the entry and the document are restricted to only the parties applicable to this filing. Only the parties selected have access to the entry and document. No other parties are noticed. The entry is not available on the public docket. If the filing defendant's name appears twice, you only need to select one of them. Click **Next**.



**\*\*IMPORTANT: ALL PARTIES SELECTED PARTIES WILL SEE THE ENTRY AND THE DOCUMENT.**

**Restricted Motions**  
[0:20-cr-00010-NEB-HB USA v. Doe et al](#)  
 COMBO\_PLEA/SENT,CONT-TRL

**ECF Restriction Notice:**

**Both the entry and document will be restricted to only the parties applicable to this filing.**

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

**Select the USA and/or applicable defendant(s) -John Doe- only.**

**Select the Party:**

USA [pla]  
 Doe, John [dft]  
 Doe, John [dft]  
 Doe, Jane [dft]  
 Smith, Sue [dft]

Next Clear

9. Click **Browse** to attach the document. Click **Next**.
  10. Link to the applicable document by checking the box next to the document. Click **Next**.
  11. Click **Next**.
  12. Confirm the correct document is attached.
  13. The NEF screen will display confirming the filing. Note that only the parties selected as applicable during the filing are noticed.
- \*\*Both the entry and the document are available only to the parties applicable to the filings.\*\***

**FILE RESTRICTED OTHER DOCUMENTS UNDER TEMPORARY SEAL IN ECF**

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

**Criminal Events**

[Register for electronic filing access.](#)

**Criminal Case Assignment**  
[Initial Assignment \(Random\)](#)  
[Initial Assignment \(Direct\)](#)  
[Reassignment/Recusal \(Random\)](#)  
[Reassignment/Recusal \(Direct\)](#)

**Criminal Case Opening**  
[Open a Criminal Case \(Assigned\)](#)  
[Open a Criminal Case \(Unassigned\)](#)  
[Open a SEALED Criminal Case \(Assigned\)](#)

**Other Filings (cont.)**  
[Transfer Documents](#)  
[Inter-District Document Email](#)  
[Detention](#)  
[Discovery Documents](#)  
[Waivers](#)  
[Service of Process](#)  
[Notices](#)  
[Trial Documents](#)

**RESTRICTED Filings**  
[Restricted Motions](#)  
[Restricted Supporting Documents and Responses](#)  
[Restricted Other Documents](#)

2. Read the ECF message. 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. Confirm the case number. Click **Next**.
5. Select the attorney filing the document. Click **Next**.
6. Select the filer by clicking on the appropriate party. Click **Next**.  
\*\*Select only the individual(s) for whom the document is being filed.\*\*
7. Select the type of document being filed. Click **Next**.
8. Confirm the correct defendant(s) name(s) appears in red. If the correct name is listed, click **Yes**. Click **Next**.
9. Select ONLY the parties who should be granted access to the document. This is filed as a PUBLIC entry. The document is restricted to only the parties applicable to this filing. All case participants are noticed. The entry is available on the public docket. If the filing defendant's name appears twice, you only need to select one entry. Click **Next**.  
\*\*IMPORTANT: ALL SELECTED PARTIES WILL SEE THE DOCUMENT.\*\*

**ECF Restriction Notice:**

This will be filed as a **PUBLIC** entry. The document will be restricted to only the parties applicable to this filing.

Only parties selected below will have access to the document. All case participants will be noticed. The entry will be available on the public docket.

10. Click **Browse** to attach the document(s). Click **Next**.
11. Confirm the correct document is attached. Click **Next**.
12. The NEF screen will display confirming the filing. Note that only the parties selected as applicable during the filing are noticed.  
\*\*Both the entry and the document are available only to the parties applicable to the filings.\*\*

**MOTIONS TO TEMPORARILY SEAL A DOCUMENT**

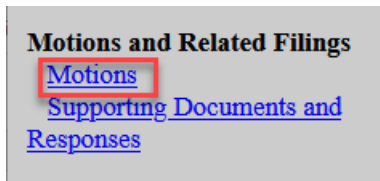
Follow these procedures when leave of the court is necessary to file a document under seal. Pursuant to [LR 49.1\(d\)](#), “a document not listed in [LR 49.1\(c\)](#) may not be under seal except by order of the court.”

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

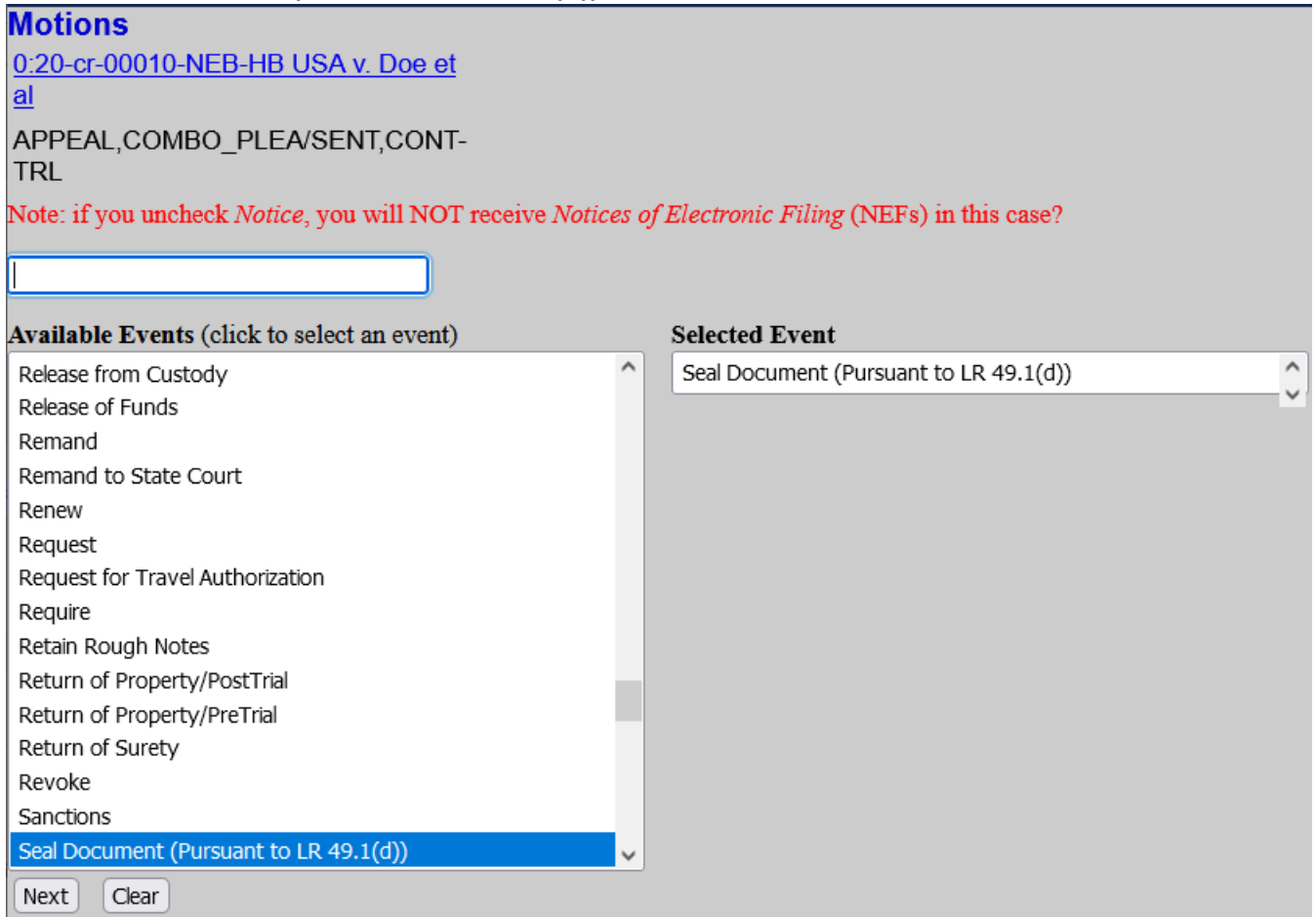
Please note, the motion to file a sealed document is a PUBLIC document and should not disclose information filed under temporarily seal. Also, a party moving to seal more than one document at a time

must separately file each document under temporary seal, but may file a single motion that relates to all such documents.

1. Select **Motions** under the Motions and Related Filings category.



2. Read the ECF Filing Tip. Click **Next**.
3. Enter the case number. Click **Next**.
4. Select the filing attorney. Click **Next**.
5. Select the party. Click **Next**.
6. Select **Seal Document (Pursuant to LR 49.1(d))**. Click **Next**.



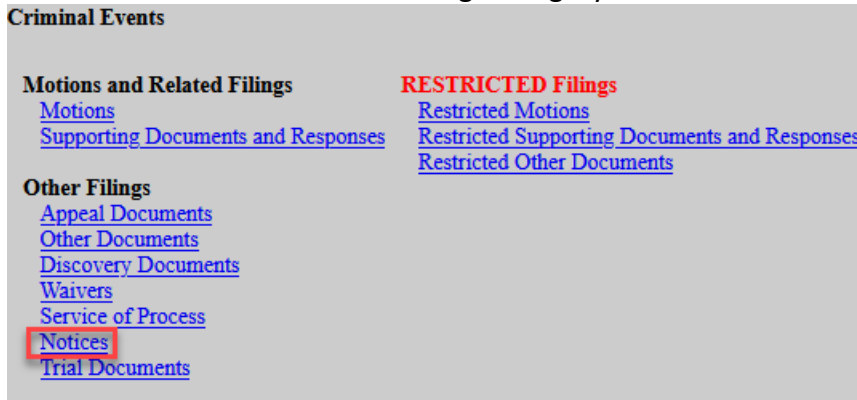
7. Review the ECF Filing Tip. Click **Next**.
8. Confirm the correct defendant(s) name(s) appears in red. If the correct name is listed, click **Yes**. Click **Next**.
9. Click **Browse** to attach document. Click **Next**.
10. Confirm the correct document is attached. Click **Next**.
11. The NEF screen will display confirming the filing.
12. File the Memorandum of Law, the Sealed Proposed Order to Judge, and any other supporting affidavits or exhibits under temporary seal. See the *Restricted Supporting Documents and Responses* section above for instructions.

## WITHDRAWING A SEALED DOCUMENT

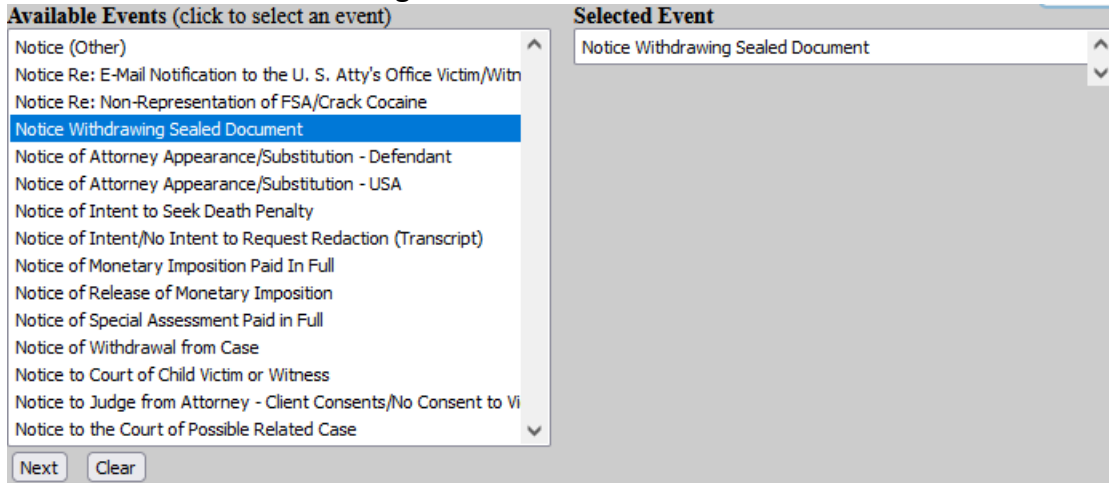
Pursuant to [LR 49.1\(d\)\(5\)](#), "If the court denies the motion to seal in whole or in part:

- (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. Select **Notice** under the Other Filings category.



2. Enter the case number. Click **Next**.
3. Confirm the correct case number was entered. Click **Next**.
4. Select the **Notice Withdrawing Sealed Document**. Click **Next**.



5. Select the filer. Click **Next**.
6. Confirm the correct defendant(s) name(s) appears in red. If the correct name is listed, click **Yes**. Click **Next**.
7. Attach the document by clicking **Browse**. Click **Next**.
8. Click **Next**.
9. Confirm the correct document is attached. Click **Next**.
10. The NEF screen will display confirming the filing.

## RESTRICTED OTHER DOCUMENTS

### Ex Parte:

#### In Camera Review of Brady/Giglio Materials

Pursuant to [LR 49.1](#), *Brady/Giglio* materials are reviewed in camera before the judge or magistrate judge handling the proceeding 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.

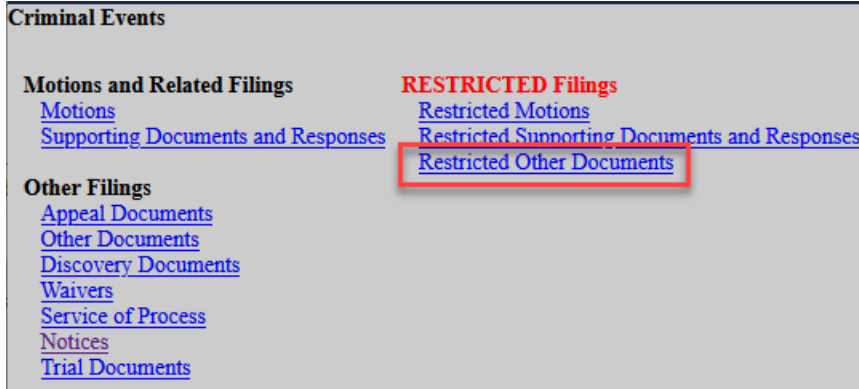
#### Ex Parte Notice to the Court of Possible Related Case

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 case.

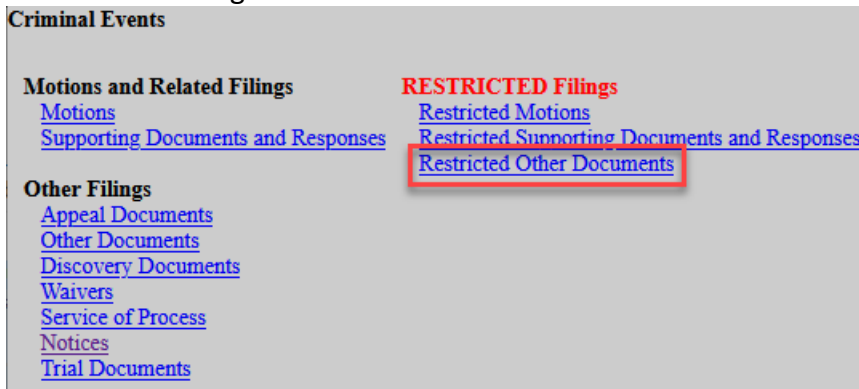
#### Ex Parte Victim List

This event is used when a victim list is filed.

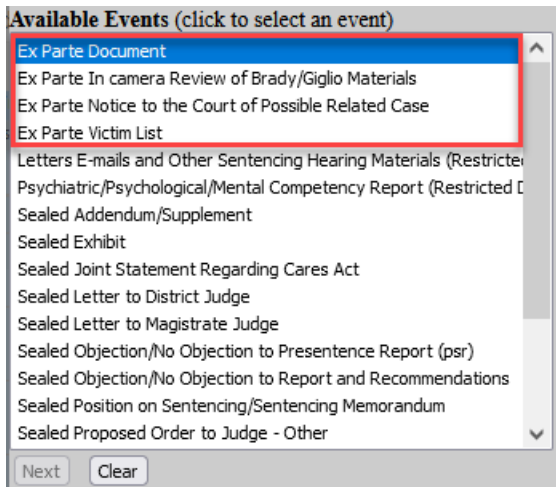
1. Select **Restricted Other Documents** under the RESTRICTED Filings category.



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



3. Read the ECF message. Click **Next**.
4. Read the ECF Filing Tip. Click **Next**.
5. Click **Next**.
6. Select the filer. Click **Next**.  
\*\*SELECT ONLY THE INDIVIDUAL(S) FOR WHICH THE DOCUMENT IS BEING FILED.\*\*
7. Select the applicable event from the list. Click **Next**.



8. Confirm the correct defendant(s) name(s) appears in red. If the correct name is listed, click **Yes**. Click **Next**.
9. Review the ECF Restriction Notice. Click **Next**.
10. Attach the document by clicking **Browse**. Click **Next**.
11. Name the document (if necessary). Click **Next**.
12. Click **Next**.
13. Confirm the correct document is attached. Click **Next**.
14. The NEF screen will display confirming the filing. ONLY the filing party is noticed.

\*\*The docket entry and document are ONLY available to the filing party and the court.\*\*

## LETTERS, EMAILS, AND OTHER SENTENCING HEARING MATERIALS

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 should have access to the document. The docket entry is public, but the document is restricted to only the parties selected as applicable during filing.

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



2. Review the ECF message. 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 filer. Click **Next**.

\*\*Select ONLY the individual(s) for which the document is being filed.\*\*

6. Select **Letters, Emails, and Other Sentencing Hearing Materials**. Click **Next**.

The screenshot shows a web interface for selecting an event. On the left, under the heading "Available Events (click to select an event)", there is a scrollable list of event types. The option "Letters E-mails and Other Sentencing Hearing Materials (Restrict..." is highlighted in blue. Below the list are "Next" and "Clear" buttons. On the right, under the heading "Selected Event", a dropdown menu shows the selected event: "Letters E-mails and Other Sentencing Hearing Materials (Restrict..." with up and down arrow icons.

7. Review the ECF Filing Tip. Click **Next**.
8. Confirm the correct defendant(s) name(s) appears in red. If the correddt name(s) is listed, click **Yes**. Click **Next**.
9. 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.\*\***
10. Click **Browse** to attache the document. Click **Next**.
11. Click **Next**.
12. Confirm the correct document is attached. Click **Next**.
13. The NEF will display confirming the filing. All case participants are noticed. The entry is available on the public docket and the document is **ONLY** available to parties selected as applicable during filing.

**SEALED REDACTED DOCUMENT, UNREDACTED DOCUMENT, AND SEALED VICTIM STATEMENT**

The Sealed Redacted Document entry and document are restricted to the applicable parties selected during filing. The Sealed Victim Statement is a public docket entry and an ex parte document. The undredacted document is a public entry and court-only document.

These filings follow the procedure above, but have different restriction levels, as noted.

Sealed Redacted Documents

**ECF Restriction Notice:**

**Both the entry and document will be restricted to only the parties applicable to this filing.**

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

Victim Impact Statement (Restricted Document)

**ECF Restriction Notice:**

**This will be filed as a PUBLIC entry and an Ex Parte document.**

## Unredacted Document (Restricted Document)

### ECF Restriction Notice:

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

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