

RULE 5.4 | FILINGS UNDER SEAL; DISPOSAL OF SEALED MATERIALS

(a) General Policy. Unless otherwise provided by law, Court rule, or Court order, proceedings in the United States District Court are public and Court filings are matters of public record. Where not so provided, a party seeking to file matters under seal and/or ex parte shall follow the procedures prescribed by this Local Rule and Sections 5A, 5K, 9A-D, and 10B, as applicable, of the CM/ECF Administrative Procedures. In criminal matters, the procedures prescribed by this Local Rule and by the CM/ECF Administrative Procedures concerning the filing of ex parte documents shall only apply to cases in which a person already has been charged by criminal complaint, criminal information, or indictment.

(b) Procedure for Filing Under Seal in Civil Cases. A party seeking to file information or documents under seal in a civil case shall:

(1) In a case that is not otherwise sealed in its entirety as permitted or required by federal law, file and serve electronically via CM/ECF a motion to file under seal that sets forth the factual and legal basis for departing from the policy that Court filings are public and that describes the information or documents to be sealed (the "proposed sealed material") with as much particularity as possible, but without attaching or revealing the content of the proposed sealed material. The proposed sealed material shall not be filed unless the Court grants the motion to file under seal. The motion to file under seal shall specify the proposed duration of the requested sealing. The motion to file under seal and the docket text shall be publicly available on the docket. If, prior to the issuance of a ruling on the motion to file under seal, the moving party elects or is required to publicly file a pleading, motion, memorandum, or other document that attaches or reveals the content of the proposed sealed material, then the moving party must redact from the public filing all content that is the subject of the motion to file under seal. If the Court grants the motion to file under seal, then the moving party shall file any pleading, motion, memorandum, or other document that has been authorized to be filed under seal via CM/ECF using events specifically earmarked for sealed civil filings, but if



a redacted filing previously has been made or is accompanying the sealed filing, then the material that is being filed under seal shall be filed as an attachment to a "Notice of Sealed Filing" which shall be filed via CM/ECF (using events specifically earmarked for sealed civil filings). The moving party must complete any required service of the sealed filing or Notice of Sealed Filing conventionally, indicating the corresponding docket number of the sealed filing or Notice of Sealed Filing.

(2) A party appearing pro se seeking to make a filing under seal in a civil case that is not otherwise sealed in its entirety as permitted or required by federal law must comply with the procedures set forth in Local Rule 5.4(b)(1), except that the motion to file under seal shall be filed conventionally with the Clerk of Court and, if the Court grants the motion to file under seal, the sealed filing or Notice of Sealed Filing shall be submitted to the Clerk of Court in a plain envelope clearly marked "sealed document" with the case number and style of the case noted on the outside. The pro se party must also complete any required service of the sealed filing or Notice of Sealed Filing conventionally indicating the corresponding docket number of the sealed filing or Notice of Sealed Filing.

(3) A party or pro se party seeking to seal a case in its entirety must file a motion to seal conventionally with the Clerk of Court in a plain envelope clearly marked "sealed document" with the style of the case noted on the outside of the envelope. The motion to seal must set forth the factual and legal basis for departing from the policy that Court filings be public, describe the proposed sealed filing with as much particularity as possible without revealing the confidential information, and specify the proposed duration of the requested sealing. If the motion is granted, subsequent filings shall be filed conventionally with the Clerk of Court as sealed documents in a plain envelope clearly marked "sealed document" with the case number and style of the case noted on the outside. The filer must complete any required service of the sealed document(s) conventionally.

(c) Procedure for Filing Under Seal in Criminal Cases. A party seeking to make a filing under seal in a criminal case shall:

(1) Conventionally file a motion to seal that sets forth the factual and legal basis for departing from the policy that Court filings be public and that describes the proposed sealed filing with as much particularity as possible without revealing the confidential information. The motion shall specify the proposed duration of the requested sealing. Unless the Court expressly orders otherwise, the motion to seal will itself be sealed from public view and the docket text appearing on the public docket shall reflect only that a sealed filing has been made.

(2) Conventionally file the proposed sealed filing in a plain envelope clearly marked "sealed document" with the case number and style of the case noted on the outside.

(d) Procedure for Filing Ex Parte. A party submitting an ex parte filing shall:

(1) Include the words "ex parte" in the title of the motion and explain the reasons for ex parte treatment. Upon submission, unless the Court directs otherwise the ex-parte filing will be restricted from public view and the docket text appearing on the public docket will reflect only that a restricted filing has been made. Counsel need not serve motions filed ex parte and related documents unless and until the Court so orders.

(2) In criminal matters, conventionally file the ex parte filing in a plain envelope clearly marked "ex parte" with the case number and style of the case noted on the outside.

(3) In civil matters, electronically file the ex parte filing via CM/ECF as a restricted document using the events specifically earmarked for ex parte filings as described in Section 9 of the CM/ECF Administrative Procedures.

(4) A party appearing pro se must file documents conventionally.



(e) Court Ruling.

(1) *Sealed Filings.* An order granting a motion to seal shall state the period of time that the sealed filing shall be sealed.

(2) *Ex Parte Filings.* Access to ex parte motions and related filings will remain restricted unless the Court orders otherwise.

Effective April 15, 2000. Amended effective April 15, 2001; April 15, 2005; April 15, 2007; April 15, 2010; December 2, 2013; December 1, 2014; December 1, 2015; December 1, 2017; December 2, 2019.

