

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

FILED

AUG 12 2013

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS
EAST ST. LOUIS OFFICE

IN THE MATTER OF:)

PUBLIC ACCESS TO)
SEARCH WARRANT PROCEEDINGS)

Administrative Order No. 151

ADMINISTRATIVE ORDER

This Court is mindful that the common law recognizes a “general right to inspect and copy public records and documents, including judicial records and documents.” *Nixon v. Warner Communications, Inc.*, 435 U.S. 589, 597 (1978). Nonetheless, the Court must balance the public’s right of access to the need to keep certain documents, such as those concerning a “matter occurring before the grand jury,” *see* Fed. R. Crim. P. 6(e), in long-term secrecy.

Federal Rule of Criminal Procedure 41 directs that “[t]he magistrate judge to whom the [search] warrant is returned must attach to the warrant a copy of the return, of the inventory, and of all other related papers and must deliver them to the clerk in the district where the property was seized.” FED. R. CRIM. P. 41(i). By directing that these materials are to be filed with the Clerk of Court, Rule 41 contemplates that these documents will be made public.

While the Court recognizes that it is often necessary to keep search warrant documents sealed to prevent compromises to ongoing criminal investigations, we cannot presume that every case meets the threshold for ongoing privacy without any demonstration of need by the United States.


Because motions to unseal files have not kept pace with the expiration of the reasonable period of time during which files should remain sealed, the Court finds that it is necessary to adopt a procedure to provide an automatic remedy in those cases where a motion to unseal the file is not filed within an appropriate amount of time.

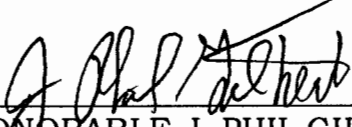
Accordingly, the Clerk of Court is **DIRECTED** to identify a list of all search warrant cases filed within the last 24 months. As soon as practicable, the Clerk shall issue notice to the United States Attorney that any case which has been sealed for six months or more will be unsealed in **60 days**, unless the United States Attorney shows cause why the entire case or any portion of it should remain under seal.


Going forward, the Clerk shall issue a notice once a month on any case that has been sealed for six months or more. The notice from the Clerk shall give the United States Attorney **14 days** to show cause why the entire case or any portion of it should remain under seal. Unless a motion is filed in the search warrant case and/or an order is entered before the expiration of the two week time period, the Clerk will unseal the entire case pursuant to the notice and this Administrative Order. If a judicial officer determines that the United States Attorney has established good cause for the case or any portion of it to remain under seal, the order sealing the documents may be extended for an additional period of time, not to exceed six months. Unless the United States Attorney files a motion and makes a fresh showing of a need to maintain the confidentiality of the documents before the end of the period designated in the

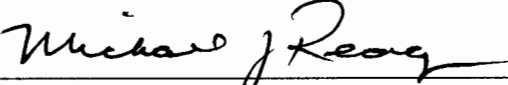
order (without further notice from the Clerk or court order), the materials will be unsealed by the Clerk pursuant to this Administrative Order.

Dated: August 12, 2013


HONORABLE DAVID R. HERNDON
Chief United States District Judge


HONORABLE J. PHIL GILBERT
United States District Judge


HONORABLE G. PATRICK MURPHY
United States District Judge


HONORABLE MICHAEL J. REAGAN
United States District Judge

Unsealed by Order 172