

FILED

SEP 29 2025

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

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

IN RE:

**PROCEDURES FOR REQUESTING,
FILING, AND MANAGEMENT OF
HIGHLY SENSITIVE DOCUMENTS.**

**Administrative Order No. 286
(Fifth Amended)**

FIFTH AMENDED ADMINISTRATIVE ORDER

In January 2021, in response to widespread breaches of both private sector and government computer systems as part of what was reported to be an intelligence-gathering operation by a hostile foreign government, the Judicial Conference directed all federal courts to immediately add new security procedures to protect sealed documents containing highly sensitive information, referred to hereafter as “highly sensitive documents” (HSD). This Court issued Administrative Order 286 on January 15, 2021, First Amended Administrative Order 286 on April 12, 2021, Second Amended Administrative Order 286 on May 7, 2024, Third Amended Administrative Order 286 on August 30, 2024, and Fourth Amended Administrative Order 286 on August 19, 2025, outlining the procedures adopted in this district for HSD. Except as expressly noted, this Fifth Amended Administrative Order revises those procedures, thereby superseding and vacating all prior orders and any inconsistent local rules concerning HSDs.

The Court finds that good cause exists to permit nonelectronic filing under Federal Rule of Civil Procedure 5(d)(3)(A) and Federal Rule of Criminal Procedure 49(b)(3)(A) for HSD.

Therefore, **IT IS ORDERED** that, effective immediately and until such time as

the Court orders otherwise, HSDs will be filed and served in paper form (or, if digital media, on a secure electronic device, such as a flash drive) in accordance with this Order and will be maintained by the Clerk's Office in a secure paper filing system or secure standalone computer system that is not connected to any network.¹

1. Documents and Materials Subject to this Order

- a. An HSD is a document or other material that contains sensitive, but unclassified, information that warrants exceptional handling and storage procedures to prevent significant consequences that could result if such information were obtained or disclosed in an unauthorized manner. Although frequently related to law enforcement materials, especially sensitive information in a civil case could also qualify for HSD designation. HSDs vary in their physical form and characteristics. They may be paper, electronic, audiovisual, microform, or other media. The term "document" includes all recorded information, regardless of its physical form or characteristics.

2. **HSDs Require the Filing of a Motion**: any document that a party seeks to receive HSD designation first requires the filing of a motion. The form or nature of the document, by itself, does not determine whether HSD designation is warranted.

¹ This guidance does not apply to classified information, which should be handled according to the Classified Information Procedures Act (CIPA) and the Chief Justice's Security Procedures related thereto, 18 U.S.C. app 3 §§ 1, 9. The Chief Justice's Security Procedures (criminal prosecutions) and the Department of Justice regulation 28 C.F.R. § 17.17(c) (civil actions) govern classified information in any form in the custody of a court.

Instead, the focus is on the severity of the consequences for the parties or the public should the document be accessed without authorization and can include *ex parte* sealed filings relating to national security investigations, cyber investigations, sensitive public corruption investigations, and documents containing a highly exploitable trade secret, financial information, or computer source code belonging to a private entity, the disclosure of which could have significant national or international repercussions.

3. Requesting HSD Designation

- a. Any party seeking to designate documents as HSDs must first file a motion in person at the Clerk's Office in the manner provided in paragraph 2(b).

Parties shall not file any materials or motions seeking designation of materials as HSD electronically. The motion shall include the following:

- i. A certification of the movant's good-faith belief that the material meets the HSD definition;
- ii. An explanation articulating why HSD treatment is warranted, including, as appropriate, the contents of the document, the nature of the investigation or litigation, and the potential consequences to the parties, the public, or national interests, in the event the information contained in the document is accessed or disseminated without authorization, and
- iii. A proposed order that provides the information stated in paragraph 4 below.

- iv. The requesting party shall serve the proposed HSD on the other parties, if required, by non-electronic means (paper or secure electronic device) directly upon the party or, when the Civil or Criminal rules permit or the Court orders, upon the attorney representing the party.
- b. The motion and proposed HSD material shall be submitted to the Clerk's Office in a sealed envelope marked "HIGHLY SENSITIVE DOCUMENT." The outside of the envelope shall be affixed with a copy of the HSD's caption page (with confidential information redacted).

4. Order Granting HSD Designation

An order granting a motion seeking HSD designation, or directing the filing of a document as an HSD on the Court's own motion, must:

- a. State the identity of the persons who are to have access to the documents;
and
- b. Set forth instructions for the duration of HSD treatment. HSDs are stored temporarily or permanently offline as the situation requires. When designating a document as an HSD, this Court should indicate when the designation will automatically lapse or when the designation will be revisited by the judicial officer. HSDs should be migrated as sealed documents into the Court's electronic docketing system and unsealed, as appropriate, as soon as the situation allows.

5. Filing An HSD

- a. A copy of the order granting HSD designation must be included with any document filed as an HSD.
- b. The Clerk of Court will maintain the HSD in a secure paper filing system or a secure standalone computer system that is not connected to any network.
- c. The Clerk's Office will make an informational docket entry in the Court's electronic filing system indicating that the HSD was filed with the Court. The docket entry shall not include personal or other identifying details related to or contained with the HSD. For example:

5/25/23 [no link] SYSTEM ENTRY-Docket Entry 92

Restricted until further notice (Entered 5/25/23).

- d. An opinion or order entered by the Court related to an HSD may itself constitute an HSD if it reveals sensitive information in the HSD. If the Court determines that an order qualifies as an HSD, the Clerk's Office will file and maintain the order as an HSD and will serve paper copies of any filing issued by the Court via United States mail.
- e. An HSD in the lower court's record will ordinarily be also regarded by an appellate court as an HSD.

6. Safeguarding Internal Communication: Care should also be taken in internal Court communications regarding HSDs, including notes and pre-decisional materials, not to include the protected substance of HSDs in any communication

using the internet or a computer connected to a network.

7. Any questions about how an HSD should be filed with the Court pursuant to this

Order should be directed to the Clerk's Office at (618) 482-9371.

IT IS SO ORDERED.

DATED: September 29, 2025

A handwritten signature in black ink, reading "Nancy J. Rosenstengel". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

NANCY J. ROSENSTENGEL
Chief U.S. District Judge