

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

IN RE:)
ELECTRONIC CASE FILING RULES) Administrative Order No. 312

ADMINISTRATIVE ORDER

This Administrative order supplants Administrative Order 60, dated November 14, 2012, and its amendments dated November 14, 2012, September 9, 2010, September 17, 2007, April 25, 2006, May 18, 2004, and January 9, 2004, and the appended revised rules dated May 2022 are adopted and will remain applicable until further Order of this Court.

Dated this 17th day of May, 2022.

A handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive style and is positioned over a circular seal of the U.S. District Court for the Southern District of Illinois.

HONORABLE NANCY J. ROSENSTENGEL
Chief United States District Judge

ELECTRONIC CASE FILING RULES

(Revised May 2022)

ELECTRONIC CASE FILING RULES

RULE 1 SCOPE OF ELECTRONIC FILING

All cases, civil and criminal, are assigned to the Electronic Case Filing (ECF) system. Attorneys must utilize the ECF system, unless specifically exempted by the court for good cause shown. *Pro se* filers may (with prior Court authorization) utilize the ECF system but are not required to. *Pro se* filers who do not utilize the ECF system shall file all documents with the Clerk of Court by U.S. Mail or personal delivery to the Clerk's Office.

RULE 2 ELIGIBILITY, REGISTRATION, PASSWORDS

Effective August 23, 2021, the United States District Court for the Southern District of Illinois updated its software to the Next Generation of CM/ECF or “NextGen”. To electronically file in the Southern District, attorneys admitted to the bar of this court, including those admitted *pro hac vice* or those authorized to represent the United States or any local or state government, must have an updated, individual Public Access to Court Electronic Records account, otherwise known as “PACER”. The PACER username and password issued to an individual attorney, not a law firm or administrator, must be used for the retrieval and filing of official court documents. Please note, PACER accounts are not maintained by the court; therefore, any changes to a username, password, firm name, address, email, or phone number must be made through PACER. In addition, when changing any type of contact information, the attorney must instruct PACER to share that updated information with the court. For any assistance with an account, please contact PACER at 1-800-676-6856 or www.pacer.gov.

If the Court permits, a party to a pending civil action who is not represented by an attorney (also known as a *pro se* party), may register as a *Pro Se* Filing User in the ECF system. Those granted *Pro Se* Filing User privileges must register for an e-file only account via www.pacer.gov. *Pro Se* Filing User privileges are case specific; *pro se* filers must seek prior Court approval in each unique case filed. For more information regarding *pro se* filings via the ECF system, please consult the Court’s *Pro Se* Litigant Guide (revised May 2022), available at: <https://www.ilsd.uscourts.gov/Forms.aspx>.

No attorney or other Filing User may knowingly permit or cause to permit a filing user’s password to be used by anyone other than an authorized agent of that Filing User. If an attorney or Filing User comes to believe the security of their existing password has been compromised, they should change that password immediately via www.pacer.gov and notify the CM/ECF Help Desk at (866) 867-3169 or (866) 222-2104. Filing users may be subject to sanctions for failure to comply with this provision.

Provided that a Filing User has an internet email address, PACER registration as a Filing User constitutes consent to electronic service of all documents as provided in these rules in accordance with the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure.

RULE 3 CONSEQUENCES OF ELECTRONIC FILING

Electronic transmission of a document to the ECF system consistent with these rules, together with the transmission of a “Notice of Electronic Filing” from the court, constitutes filing of the document for all purposes of the Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure, and the local rules of this court, and constitutes entry of the document on the docket kept by the clerk under Federal Rules of Civil Procedure 58 and 79 and Federal Rules of Criminal Procedure 49 and 55.

When a document has been filed electronically, the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed. Except in the case of documents first filed in paper form and subsequently submitted electronically under Rule 1, a document filed electronically is deemed filed at the date and time stated on the “Notice of Electronic Filing” from the court.

Filing a document electronically does not alter the filing deadline for that document. Filing must be completed before midnight local time where the court is located in order to be considered timely filed that day, unless a specific time is set by the court. Pursuant to Federal Rule of Civil Procedure 6(e) and Federal Rule of Criminal Procedure 45(c), whenever something is served electronically, three days are added to the prescribed response period.

The filer is responsible for calculating the response time under the federal and/or local rules. The date generated by CM/ECF is a guideline only, and, if the court has ordered the response to be filed on a date certain, the court's order governs the response deadline.

RULE 4 ENTRY OF COURT ORDERS

All orders, judgments, minute entries, and notices filed in accordance with these rules will constitute entry on the docket kept by the clerk under Federal Rules of Civil Procedure 58 and 79 and Federal Rules of Criminal Procedure 49 and 55. Text-only entries on the docket, without an attached document, are official and binding. Any order or other court-issued document filed electronically without the original signature of a judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the document, and it had been entered on the docket in a conventional manner.

RULE 5 ATTACHMENTS, EXHIBITS, AND MAXIMUM SIZE OF FILINGS

All documents must be electronically filed. If the document exceeds 35.0 Mb, then it must be divided into segments, with the first segment being the main document and all subsequent segments as attachments to the main document. Each segment should not exceed 35.0 Mb.

Service shall comport with Electronic Case Filing Rule 9.

RULE 6 SEALED DOCUMENTS

When the court has ordered or otherwise allowed a document to be filed under seal, or when the law requires a document to be sealed (*e.g.*, 18 U.S.C. §3509(d); Fed. R. Crim. P. 6(e)), the document shall be electronically filed. The sealed PDF document must be attached to the event. Filing Users must bear ultimate responsibility for ensuring that information is properly redacted and/or sealed.

RULE 7 RETENTION REQUIREMENTS

Manually signed original documents scanned into the system by the attorney or party must be maintained by the filer for 5 years after final resolution of the action, including final disposition of all appeals. The original hard copy must be produced at any time when ordered by the court.

RULE 8 SIGNATURE

Upon registration, Filing Users automatically endorse their electronic signature for purposes of Federal Rule of Civil Procedure 11 specifically, the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure generally, and the local rules. The Filing User's electronic signature also serves as a valid signature for purposes of unsworn declarations pursuant to 28 U.S.C. § 1746, service and filing pursuant to Federal Rule of Civil Procedure 5 and Federal Rule of Criminal Procedure 49 and establishing perjury pursuant to 18 U.S.C. §§ 1621-1623. The "s/" name on the document and the filer's login id must be the same or the document will be stricken.

RULE 9 SERVICE OF DOCUMENTS BY ELECTRONIC MEANS

All electronically filed documents, attachments, and exhibits should include a certificate of service in accordance with the Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure, and local rules. Electronic service of the “Notice of Electronic Filing” constitutes service of the filed document and satisfies the certificate of service requirement, unless the filing party has actual knowledge of a technical failure resulting in non-receipt of a document.

A paper copy of any electronically filed document should be served upon attorneys who are exempted from utilizing the E system, as set out in Electronic Case Filing Rule 1, and pro se users not registered for electronic service. Service of any conventionally filed document must be made according to the Federal Rules of Civil Procedure, Federal Rules of Criminal Procedure, and local rules, and a certificate of service must be included on the document, indicating the manner in which each party was served.

RULE 10 NOTICE OF COURT ORDERS AND JUDGMENTS

Immediately upon the entry of an order, judgment, minute entry, or notice in an action assigned to the ECF system, the clerk will transmit to Filing Users in the case, in electronic form, a “Notice of Electronic Filing.” Electronic transmission of the “Notice of Electronic Filing” constitutes the notice required by Federal Rule of Civil Procedure 77(d) and Federal Rule of Criminal Procedure 49(c).

RULE 11 TECHNICAL FAILURES

A Filing User whose filing is made untimely as the result of a technical failure may move for appropriate relief from the court. Technical failures cannot extend jurisdictional deadlines. Problems on the filer's end such as phone line problems, problems with the filer's Internet Service Provider (ISP), or hardware/software problems do not constitute a technical failure or excuse an untimely filing. If a party misses a filing deadline because of such problems, a motion for leave to file *instanter*, accompanied by a signed Declaration stating the reason for missing the deadline, must be filed no later than 12:00 noon of the first day on which the court is open for business following the original filing deadline. The court will consider the matters stated in the declaration and order appropriate relief.

RULE 12 PUBLIC ACCESS AND FEES

A person may review at the Clerk's Office filings that have not been sealed by the court. A person may also access the ECF system at the court's Internet site <https://www.ilsd.uscourts.gov/cmecf> by obtaining a PACER login and password. A person who has PACER access may retrieve docket sheets in civil and criminal cases and documents in all civil cases except social security cases and sealed cases. Only counsel of record may retrieve documents in social security cases and sealed cases.

Upon receipt of a "Notice of Electronic Filing," any Filing User will have one opportunity by way of a hyperlink to view and either print or download the document for free. Filing Users who already have electronically accessed a document once will be charged a per page fee from Pacer.

RULE 13 HYPERLINKS

Electronically filed documents may contain the following types of hyperlinks:

1. Hyperlinks to other portions of the same document; and
2. Hyperlinks to a location on the Internet that contains a source document for citation.

Hyperlinks to cited authority may not replace standard citation format. Complete citations must be included in the text of the filed document. Neither hyperlinks, nor any site to which it refers, shall be considered part of the record. Hyperlinks are simply convenient mechanics for accessing material cited in a filed document.

The court accepts no responsibility for, and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked. The court accepts no responsibility for the availability of any hyperlink.