

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS**

**CM/ECF SEALED FUNCTIONALITY
IN CRIMINAL CASES**

The electronic case filing (“ECF”) system allows for the filing of sealed criminal and magistrate complaint cases. ECF also allows the filing of sealed motions/documents and docket entries.

The ECF system is set to automatically allow attorneys to electronically file sealed documents in any unsealed criminal case. Access to view sealed documents must be set by the Court on a per case, per defendant basis.

UNSEALED CRIMINAL CASES

When a criminal case is opened, a case administrator will set access to view sealed documents for the Assistant U.S. Attorney listed on the Criminal Case Cover Sheet. Any additional Assistant U.S. Attorney who desires access to view sealed documents in that case must file an Entry of Appearance. Access to view sealed documents will be set for a defendant’s attorney upon the filing of an Entry of Appearance or a CJA 20 Appointment Order. Once access to view has been set, the Assistant U.S. Attorney will have access to view all sealed documents; an attorney of record for a defendant will have access to view sealed documents **ONLY** if a document pertains to his/her defendant. It is **imperative** that the e-filer of a sealed motion/document select the correct defendant associated with the document so that the system will only allow that defendant’s attorney access to view the sealed motion/document.

If an attorney has not been given permission to view sealed information:

- upon attempting to query a specific case number, the system will display the message: “##-#### is not a valid case. Please enter a valid value.”
- upon attempting to access a link for a sealed document, the system will display the message: “**This document is not available.**”
- The query program only returns matches for a party by name for those cases the user has been authorized to view. Thus, if a party is involved only in

cases that are sealed, and access has not been granted, the system will display the message: “**No person found.**”

Note: If you are denied access to sealed information pertaining to your party/case, please contact the Clerk’s Office.

SEALED/SUPPRESSED CRIMINAL CASES

If a suppressed indictment is filed, the case will be opened under seal. All defendants will be sealed, as well as all entries and documents. A case administrator will set access to the assigned Assistant U.S. Attorney (as listed on the Criminal Case Cover Sheet) so that he/she can view and e-file documents while the case remains under seal. The ECF system will generate but **not** transmit a NEF when documents are filed while the case is sealed in its entirety. The NEF is generated for file-stamp purposes only. The **e-filer** must accomplish service of documents in a sealed case in paper form.

When a criminal case is unsealed by the court, all defendants, documents designated to be unsealed, and entries will be unsealed. Upon the unsealing of a criminal case, a text entry event will be e-filed by the case administrator; a NEF will generate and transmit notification to all authorized users that the case has been unsealed. Once the case is unsealed, the ECF system will set global access to view all unsealed documents.

FILING SEALED MOTIONS/DOCUMENTS

When filing sealed motions/documents in a criminal case, the e-filer **must** select the defendant that the motion/document refers to and must **attach** the PDF document to the event. The system will automatically seal the motion/document, and then that document can only be viewed by attorneys and court users who have been granted access to view sealed documents in that case for that specific defendant.

FILING EX PARTE MOTIONS AND ORDERS

When filing an ex parte motion, the filer **must** attach the PDF, which will be automatically sealed by the system. Upon completion of the transaction, a NEF is generated for file-stamp purposes **ONLY**. ***Print or download and save the NEF at this time for your file.*** It is also recommended that you retain the PDF of the original motion.

When accessing the docket sheet, non-authorized users will not be able to see either the docket entry or the document.

THE E-FILER MUST E-MAIL THE EX PARTE MOTION AND PROPOSED ORDER TO THE APPROPRIATE JUDICIAL OFFICER AT THE E-MAIL ADDRESS SET FORTH IN THE USER'S MANUAL.

The ex parte order and NEF will be distributed in paper form by the Court. The ex parte order will only be distributed to the attorney who e-filed the motion.

Note: The document number for the ex parte motion and ex parte order will be displayed on the NEF following the completion of the e-filing transaction. This is the only time the docket number or entry will be displayed to the e-filer.

PROPOSED SEALED ORDERS

Proposed sealed orders must be submitted to the appropriate judicial officer at the e-mail address as set forth in the User's Manual. The proposed order must be submitted in a format compatible with WordPerfect. Proposed sealed orders (except ex parte orders) should also be served on all appropriate attorneys of record. The subject line of all e-mails must include the case name, number, and corresponding document number.

GENERAL INFORMATION

When an attorney in a criminal case withdraws or is substituted, access to view sealed documents will be immediately terminated.

Copies of sealed documents **will not** be made without an Order of the Court.

See attachment for helpful information.

CRIMINAL EVENT	NOTICE OF ELECTRONIC FILING (NEF)	WHAT ATTORNEY CAN VIEW	COMMENTS
Sealed Motion	NEF generated & transmitted with motion	only authorized attorney can view the sealed motion	
Objections to PSI	NEF generated & transmitted	authorized attorney can view the objections	e-filer should send a copy of Sealed Objections to the U.S. Probation Office
Psychiatric Report	NEF generated & transmitted with report	authorized attorney can view the report	Psychiatric Report would normally be e-filed by a court user
Medical Report	NEF generated & transmitted with report	authorized attorney can view the report	Medical Report would normally be e-filed by a court user
Sentencing Memorandum	NEF generated & transmitted	authorized attorney can view the memo	there is an option for filing the Sentencing Memorandum sealed or unsealed
Presentence Investigation Report	NEF generated & transmitted with report	authorized attorney can view the report	
Sentencing Recommendation	NEF is generated BUT NOT transmitted	cannot be viewed	document # & entry appears “missing” from the public docket sheet

CRIMINAL EVENT	NOTICE OF ELECTRONIC FILING (NEF)	WHAT ATTORNEY CAN VIEW	COMMENTS
Ex Parte Motion	NEF is generated BUT NOT transmitted; the NEF is generated for file-stamp purposes ONLY - Motion not transmitted to any party	cannot be viewed	document # & entry appear “missing” from the public docket sheet; e-filer can only view the document & see the document # on the NEF generated at the END of the filing transaction; NEF should be printed & saved at this time
Ex Parte Order	NEF is generated BUT NOT transmitted; the NEF is generated for file-stamp purposes ONLY - Order not transmitted to any party	cannot be viewed	document # & entry appears “missing” from the public docket sheet; court staff MUST distribute NEF & ex parte order to the appropriate party; ex parte motion must be terminated through editor by case administrator
Order on Motion (when linking/ruling on sealed motion)	NEF generated & transmitted with order	authorized attorney can view the sealed order	

CRIMINAL EVENT	NOTICE OF ELECTRONIC FILING (NEF)	WHAT ATTORNEY CAN VIEW	COMMENTS
Indictment (Sealed) while case is sealed	NEF generated BUT NOT transmitted	authorized AUSA can view case when access has been set by a court user	criminal case would be SEALED in its entirety
Sealed Document	NEF generated & transmitted with document	authorized attorney can view the document	
Superseding Indictment (Sealed)			will not be electronically filed until first defendant arraigned or court notified by AUSA to unseal Superseding Indictment
Complaint (Sealed) while case is sealed	NEF generated BUT NOT transmitted	authorized AUSA can view the Complaint	
Sealed Response	NEF generated & transmitted with response	authorized attorney can view the response	
Sealed Response to Motion	NEF generated & transmitted with response	authorized attorney can view the response to motion	
Sealed Reply to Response	NEF generated & transmitted with reply	authorized attorney can view the reply	
Statement of Reasons	NEF generated & transmitted with document	authorized attorney can view the document	event will automatically link to the judgment; original document with “wet” signature will be placed under seal