

**Rule 83- 13.05            Pleadings and Documents Filed Under Seal.**

**(A)    Pleadings and Documents in Civil Cases.**

(1)    Upon a showing of good cause the Court may order that documents filed in a civil case be received and maintained by the Clerk under seal. The Clerk of Court will restrict access to such documents so that they are not in the file to which the public has access. Unless the docket reflects prior entry of an order to file under seal or the party offering a pleading or document presents the clerk with an order of the Court authorizing a filing under seal or a motion for such order, all pleadings and documents received in the office of the clerk will be filed in the public record of a civil case, except as otherwise required by law. For instructions on seeking leave to file sealed motions or sealed documents in CM/ECF, see the Sealed and Ex Parte Documents section of the Court's Administrative Procedures for Case Management/Electronic Case Filing at <http://www.moed.uscourts.gov/administrative-procedures>.

(2)    Not less than 30 days after a final order or other disposition has been issued in a civil action in the District Court, or 30 days after the receipt of a mandate from the Court of Appeals in a case in which an appeal has been taken, a motion may be filed with the Court requesting that documents previously filed under seal be unsealed and made part of the public record. Unless otherwise ordered by the Court, all documents previously sealed in a civil action will remain sealed by the Clerk of Court.

**(B)    Pleadings and Documents in Criminal Cases.**

(1)    Unless otherwise ordered by the Court, the following documents and materials will be filed and maintained by the Clerk under seal: all pleadings and documents relating to grand jury proceedings; all applications for pen registers, trap and trace devices, wire taps, records of electronic communications, and IRS search warrants and tax return orders; all

presentence investigation reports and such other materials regarding sentencing which the Court orders filed under seal; and any other material or item ordered sealed by the Court.

(2) Applications for search warrants, warrants and similar orders issued pursuant to Rule 41 upon application of the government for the acquisition of information or evidence in connection with a criminal investigation, and returns made pursuant to Fed.R.Crim.P. 41(f), will each be received by the Court under temporary seal. Within fourteen (14) days from the date of receipt by the Court of any such document, the government or any other person or entity having a sufficient privacy interest in the search warrant information, or the property or evidence that is the object of acquisition by the government, may file an ex parte motion seeking an order to file under seal. The motion to seal will set out the date on which the sealing order will expire without further order of the court. The moving party will have the burden of establishing a compelling interest necessitating a restriction on public access. When such a motion is pending, the subject material will remain sealed but the Court must rule on the motion promptly. If the motion is granted, the Court will direct the Clerk to file the relevant documents under seal. The maximum period of time for which the motion may be granted is six (6) months. If, after six months, a party seeks continued sealing of the file, the party must submit a motion to that effect demonstrating a continuing compelling interest necessitating restriction on public access. If the motion to seal or for continued sealing is denied in whole or in part, or if no motion is timely filed, the Court will order the Clerk to unseal and file unrestricted material in the public record unless the Court determines otherwise.

(3) Documents, pleadings and other materials filed under seal pursuant to paragraph (B)(1) of this rule will be maintained by the Clerk in original form for not less than five (5) years from the date of filing. All such original sealed documents will be scanned into

electronic digital images, indexed and permanently stored under seal in such electronic format in lieu of maintaining the original paper copies after the required period of five years. From time to time, the Clerk may petition the Court for leave to destroy original documents and materials filed under seal pursuant to paragraph (B)(1) of this rule for which electronic digital images have been made.

(4) When an electronic digital image or copy of any original document, pleading or other material filed with the Court under seal is created pursuant to paragraph (B)(3) of this rule, the electronic version will be the permanent and official Court record.