



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NOTICE TO THE BAR

COLLEEN MCMAHON
Chief Judge

RUBY J. KRAJICK
Clerk of Court

Dated:
January 14, 2021

Contact:
Help Desk (212) 805-0800

**SDNY Announces Changes to ECF Filing Procedures:
Temporary Restraining Orders;
28 U.S.C. §2255 Motions;
Motions to File New Civil Cases Under Seal; and
Certificates of Good Standing**

The United States District Court for the Southern District of New York announces changes, effective January 18, 2021, to the electronic filing procedures for: Temporary Restraining Orders; Motions to Vacate filed pursuant to 28 U.S.C. §2255; Motions to file new civil cases under seal; and Requests for Certificates of Good Standing.

Temporary Restraining Orders:

A proposed Order to Show Cause that includes a Temporary Restraining Order, or other proposed order for emergency relief, must be electronically filed through the court's Electronic Case Filing (ECF) system. This change in procedure, previously announced as temporary, is now made permanent.

28 U.S.C. §2255 Motions to Vacate, Set Aside or Correct Sentence:

In counseled cases, motions pursuant to 28 U.S.C. §2255 must be electronically filed in the criminal case. The Clerk's Office will open the associated civil case. Attorneys no longer have to deliver a paper copy of the motion to the court, nor do they have to email a PDF version of the motion.

Motions to Open New Civil Cases Under Seal:

A motion to file a new civil action entirely under seal must be electronically filed through the court's ECF system in a new miscellaneous case.

Alternatively, a party seeking to file some, but not all, documents under seal shall refer to the court's [ECF Rules & Instructions, section 6](#), for information regarding the sealed filing of individual documents in a publicly filed case.

(This requirement is subject to the court's January 8, 2021, Standing Order regarding procedures for the filing of Highly Sensitive Documents ([21-MC-0006](#)).)

Requests for Certificates of Good Standing

Requests for Certificates of Good Standing must be submitted electronically through the court's ECF system. The submission of payment and issuance of a Certificate suitable for printing will also be accomplished through the ECF system. Forms and instructions are available at <https://nysd.uscourts.gov/forms>.

Further information may be found in the court's Standing Orders and revised ECF Rules (attached).

Questions may be directed to the court's Help Desk by telephone at (212) 805-0800, or by email at helpdesk@nysd.uscourts.gov.

###

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 1
DATE FILED: 1/14/2021

THIS MATTER RELATES TO:

Changes to Filing Procedures for
Temporary Restraining Orders and
28 U.S.C. §2255 Motions to Vacate, Set Aside or
Correct Sentence

21mc16

M10-468

STANDING ORDER

WHEREAS the court's Electronic Case Filing (ECF) system having been modified to alter the filing procedures for a proposed Order to Show Cause that includes a Temporary Restraining Order, or other proposed order for emergency relief, and the Court having modified its procedures for filing a Motion to Vacate, Set Aside or Correct Sentence pursuant to 28 U.S.C. §2255, it is hereby

ORDERED, effective immediately, a proposed Order to Show Cause that includes a Temporary Restraining Order, or other proposed order for emergency relief, must be filed electronically through the court's Electronic Case Filing (ECF) system in conformity with the procedures outlined in the court's ECF Rules & Instructions. If an appearance is required by the Court, any order issued in response to such application will detail procedures for such a proceeding.

Pro se parties without electronic filing privileges are exempt from the requirement to file electronically through the ECF system.

This change in procedure, previously announced as temporary (see Standing Order, 20 MC 181), is hereby made permanent and applies to publicly filed civil and miscellaneous

cases, both pending and newly filed. It is further

ORDERED, effective immediately, attorneys filing a Motion to Vacate, Set Aside or Correct Sentence in a criminal action pursuant to 28 U.S.C. §2255 do not have to deliver a paper copy of the motion to the court, nor does a PDF version of the Motion have to be sent to the court by email. Upon the filing of the Motion in the criminal action, the Clerk of Court will be responsible for opening the civil action associated with the criminal case.

Pro se parties filing a Section 2255 Motion are exempt from the requirement to file electronically through the ECF system.

The court's Standing Orders regarding civil case opening (15 MC 131) and miscellaneous case opening (17 MC 201), as well as the court's ECF Rules & Instructions, shall be amended in accordance with these changes.

SO ORDERED.

Dated: January 14, 2021
New York, NY



COLLEEN McMAHON
Chief United States District Judge

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: 3
DATE FILED: 1/14/2021**

THIS MATTER RELATES TO:

21-mc-13

Miscellaneous Application to

M10-468

File a Civil Case Under Seal

STANDING ORDER

WHEREAS the court's Electronic Case Filing (ECF) system having been modified to permit the electronic filing of a miscellaneous case for the purpose of filing a motion to file a new civil action under seal in accordance with Federal Rule of Civil Procedure 5.2(d), it is hereby

ORDERED, effective January 18, 2021, a motion to file a new civil action under seal (the "application") must be electronically filed in a new miscellaneous case in accordance with the procedures found in the court's ECF Rules & Instructions, section 6, Sealed Filings.

The application shall include a Motion to File a Civil Case Under Seal, supporting papers (with a copy of the proposed sealed complaint attached), and a proposed order. Documents filed in the miscellaneous case may be filed under seal without the necessity of filing a motion to seal, notwithstanding the court's prior Standing Order (19-mc-583). No filing fee shall be due for the application in the miscellaneous case.

If the motion is granted, the filing party shall then file the civil case under seal in the traditional manner, in paper form. A copy of the court's sealing order must be included. Unless ordered unsealed by the court, the application will remain under seal, regardless of the Court's decision on the motion.

Alternatively, a party seeking to file some, but not all, documents under seal shall refer

to the court's ECF Rules & Instructions, section 6, for information regarding the sealed filing of individual documents in a publicly filed case.

Pro se parties are exempt from the requirement to file electronically through the ECF system.

SO ORDERED.

Dated: January 14, 2021
New York, NY

A handwritten signature in black ink, appearing to read "Colleen McMahon", written over a horizontal line.

COLLEEN McMAHON
Chief United States District Judge

SDNY ECF Rule Revisions
January 18, 2021

Temporary Restraining Orders

Summary

A proposed Order to Show Cause that includes a Temporary Restraining Order, or other proposed order for emergency relief, must be electronically filed through the court's Electronic Case Filing (ECF) system. This change in procedure, previously announced as temporary (see Standing Order 20- MC-181), is now made permanent.

Revised ECF Rules:

13.18 Are proposed orders, judgments, stipulations and consents electronically filed in civil cases?

Yes. In civil cases proposed orders, **including orders to show cause with a temporary restraining order or other request for emergency relief**, judgments, stipulations and consents must be filed electronically on the court's ECF system using the Filing Events found under PROPOSED ORDERS. **This requirement applies to publicly filed civil and miscellaneous cases, both pending and newly filed.**

Filers are required to use the specific ECF Filing Event that correctly describes the proposed order. See the August 1, 2018 Addendum for a list of electronically filed proposed orders, judgments, stipulations and consents and the associated ECF Filing Events.

In criminal cases, proposed orders must not be filed electronically but should be submitted to chambers directly, outside of the ECF system.

13.19 Is an Order to Show Cause that includes a Temporary Restraining Order filed electronically?

Yes. A person wishing to file a proposed Order to Show Cause that includes a Temporary Restraining Order or other proposed order for emergency relief in a publicly filed case must:

- (a) Electronically file the application **in a pending case** through the court's ECF system; then
- (b) **In a newly filed case**, telephone the Clerk's Office at (212) 805-0140 during business hours to alert the court to your application; or
- (c) **In a pending case, see the judge's Individual Practices for information regarding how to alert chambers to your application. If there has been no response from chambers within two (2) hours, you may telephone the Clerk's Office at (212) 805-0140 before the end of the business day.**

SDNY ECF Rule Revisions
January 18, 2021

Change to 28 U.S.C. §2255 Civil Case Opening Procedure

Summary

In counseled cases, motions pursuant to 28 U.S.C. §2255 must be electronically filed in the criminal case. The Clerk's Office will open the associated civil case. Attorneys will no longer have to deliver a paper copy of the motion to the court, nor will they have to email a PDF version of the motion.

Revised ECF Rules:

14.2 Are there cases that must not be electronically filed?

Yes. The cases listed below must not be initiated electronically and must be submitted in the traditional manner, on paper, using the court's depository box located in the lobby of the U.S. Courthouse at 500 Pearl Street, New York, NY, or the U.S. Courthouse at 300 Quarropas Street, White Plains, NY.

- Cases sought to be filed under seal;
- Civil or miscellaneous cases commenced by a *pro se* party;
- ~~Habeas Corpus cases filed pursuant to 28 U.S.C. §2255 (prisoner in Federal custody);~~
- False Claims Act cases (*Qui Tam* or "whistleblower" cases) filed pursuant to 31 U.S.C. §3729, et seq.

14.11 How is a §2255 Motion to Vacate, Set Aside or Correct Sentence Filed?

A Motion to Vacate, Set Aside or Correct Sentence filed pursuant to 28 U.S.C. §2255, must be electronically filed in the criminal case. The Clerk's Office will open the associated civil case. Attorneys do not have to deliver a paper copy or PDF version of the motion to the court. All subsequent filings related to the motion must be made in the criminal case, not the civil case.

SDNY ECF Rule Revisions
January 18, 2021

Miscellaneous Application to File a Sealed Civil Case

Summary

A motion to file a new civil case under seal must be electronically filed through a new miscellaneous case.

Revised ECF Rules:

6.13 How do I move to file a new civil case under seal?

(1) Electronically open a new miscellaneous case (under Miscellaneous category M-98) and file a MOTION TO FILE CIVIL CASE UNDER SEAL, supporting papers (attach a copy of the proposed sealed complaint) and a proposed order (the “application”). No filing fee shall be due for such applications.

(2) If the motion is granted, file the new civil case under seal in the traditional manner, in paper form. Include a copy of the sealing order with your filing.

The authority to file the application under seal in the miscellaneous case is provided by Standing Order 21-MC-13. A separate motion to file the application under seal is not required.

All subsequent filings in a sealed civil case must be submitted in paper form. Electronic filing in a fully sealed civil case is not permitted.

Unless ordered unsealed by the court, the application will remain under seal, regardless of the court’s decision on the motion.

This requirement is subject to the court’s January 8, 2021, Standing Order regarding procedures for the filing of Highly Sensitive Documents ([21-MC-0006](#)).

6.14 What if not all documents in a new civil case must be sealed?

Where a party seeks to file a new civil case with only some documents under seal, the above procedures in Rule 6.X for filing a fully sealed case do not apply. Instead, electronically file a new civil case in public view, and move to file redacted/sealed documents only when necessary, following the procedures found in Rule 6.5. This approach will permit the electronic filing of case related documents through the ECF system.

SDNY ECF Rule Revisions
January 18, 2021

Certificate of Good Standing

Summary

Requests for Certificates of Good Standing must be submitted electronically through the court's ECF system. The submission of payment and issuance of a Certificate suitable for printing will also be accomplished through the ECF system.

Revised ECF Rule:

20.9 How do I obtain a Certificate of Good Standing?

A Certificate of Good Standing from this court must be requested through the court's ECF system. See instructions at <https://nysd.uscourts.gov/forms/certificate-good-standing-wall-certificate>.