



**United States District Court
Southern District Of New York**

Laura Taylor Swain
Chief Judge

Ruby J. Krajick
Clerk of Court

COURT NOTICE TO THE BAR
July 17, 2023

CONTACT:
Help Desk 212-805-0800

**Southern District Court Announces
Electronic Filing of Criminal Applications
And Pro Se Filing by Email**

Effective July 24, 2023, the United States District Court for the Southern District of New York will require certain criminal applications to be electronically filed through the court's Electronic Case Filing (ECF) system. The court has issued Standing Order 23-MC-0213 and added Appendix B to the ECF Rules & Instructions regarding this change.

The option for pro se parties without electronic filing privileges to file with the court via email, previously available on a temporary basis, has now been made permanent. A revision to ECF Rule 1.1 has been made to accommodate this change.

The Standing Order and revised ECF Rules are attached. The complete ECF Rules & Instructions may be found at <https://www.nysd.uscourts.gov/rules/ecf-related-instructions>.

Questions may be directed to the Help Desk at helpdesk@nysd.uscourts.gov, or by calling (212) 805-0800 during business hours.

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

ELECTRONIC FILING OF CERTAIN CRIMINAL
APPLICATIONS UNDER SEAL

STANDING
ORDER
M10-468

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WHEREAS the court’s Electronic Case Filing (“ECF”) system has been modified to allow attorneys representing the United States to initiate certain criminal applications through the Court’s ECF system, and

WHEREAS the Local Rules for the Southern District of New York provide that, subject to certain exceptions, documents filed in criminal cases must be filed electronically through the court’s ECF system (Local Criminal Rule 1.1(b), Local Civil Rule 5.2 and ECF Rule 1.3), and

WHEREAS the exceptions to ECF filing include applications for warrants and orders in aid of a criminal investigation or grand jury proceeding, and

WHEREAS it having been determined that the court, the bar, and the public would benefit from the electronic filing of certain criminal applications, it is hereby

ORDERED, effective July 24, 2023, unless expressly permitted by another applicable rule or otherwise ordered by the court, applications identified as “Electronic Criminal Applications” in Appendix B to the court’s ECF Rules & Instructions must be filed electronically by attorneys representing the United States through the court’s ECF system in accordance with the procedures set forth in Appendix B.

A. Filing Procedures

Filing procedures for Electronic Criminal Applications may be found in Appendix B to the court’s ECF Rules & Instructions. Unless expressly permitted by another applicable rule or otherwise ordered by the court, applications identified as “Electronic Criminal Applications” in Appendix B to the court’s ECF Rules & Instructions shall be filed electronically in accordance with those procedures.

B. Access

Documents in connection with Electronic Criminal Applications shall be filed under seal through the ECF system. The public shall have access through the Public Access to Court Electronic Records (“PACER”) system to the following information only, unless otherwise ordered by the court:

- (1) the docket number associated with the Electronic Criminal Application;
- (2) the date of filing (including the dates of the initial application and any subsequent filings);
- (3) the name of the attorney who submitted the application via ECF;
- (4) the type of Electronic Criminal Application, *i.e.*, whether it is an Application for a Section 2703(d) order, a pen register/trap and trace order or other type of order; and
- (5) whether a phone number, email account, social media account, internet protocol (IP) address, internet messaging account, or other type of target is the subject of the Electronic Criminal Application.

C. Application of Other Rules

Except as noted with respect to Local Criminal Rule 1.1(b), Local Civil Rule 5.2, and ECF Rule 1.3, all federal and local rules continue to apply to all Electronic Criminal Applications and documents filed under this Standing Order.

SO ORDERED.

Dated: June 26, 2023
New York, NY



Laura Taylor Swain
Chief Judge

Appendix B

Rules for Electronic Criminal Applications

A. Scope

In accordance with Standing Order 23-MC-213 (“the Standing Order”), those criminal applications identified below as “Electronic Criminal Applications” must be filed electronically through the court’s Electronic Case Filing (“ECF”) system:

1. Applications for Orders issued pursuant to the Stored Communications Act, 18 U.S.C. § 2703(d); and
2. Applications for Pen Registers and Trap and Trace devices issued pursuant to 18 U.S.C. § 3121, *et seq.*

B. Participating Filers

At least one court day in advance of any filing of Electronic Criminal Applications pursuant to these rules and procedures, the United States Attorney’s Office (“USAO”) must inform the Clerk’s Office of the names of ECF users who will be authorized to file Electronic Criminal Applications on behalf of the USAO. Those users will be identified as “Participating Filers,” and their ECF accounts will be programmed to enable the filing of Electronic Criminal Applications. ECF users not designated as Participating Filers will not be able to file Electronic Criminal Applications. The USAO must provide the Clerk’s Office with the names of any new or additional ECF users who will be authorized to file Electronic Criminal Applications at least one court day in advance of such users filing any Electronic Criminal Applications.

When a Participating Filer leaves the employment of the USAO the USAO must promptly notify the Clerk’s Office in a manner prescribed by the Clerk. The Clerk shall modify the ECF account of that individual to remove access to documents electronically filed under seal during his/her employment with the USAO. An individual whose ECF account has been so modified may contact the court to reinstate filing and access privileges in a manner that does not permit access to documents electronically filed under seal during his/her prior employment with the USAO.

C. Commencement of an Electronic Criminal Application

To submit an Electronic Criminal Application for review by the court, a Participating Filer must open a new case in the court’s ECF System. This will create a magistrate case docket in ECF and assign a docket number. The docket number must appear on each document filed in the case.

The court will docket signed orders under seal on the ECF system. The Participating Filer may print a copy of a signed order from the ECF system. Upon request by a Participating Filer, the Clerk’s Office will provide one or more paper copies of a signed order bearing the raised seal of the court.

SDNY ELECTRONIC CASE FILING RULES & INSTRUCTIONS

Appendix B - Rules for Electronic Criminal Applications

Where an extension is sought for an initial Application that was filed before the effective date of the Standing Order, the USAO must contact the Clerk's Office for direction.

New Electronic Criminal Applications that contain the following deficiencies may be administratively closed without prejudice to refile unless any such deficiency is corrected within five (5) calendar days of electronic transmission by the Clerk of a Notice of Deficient Filing: (1) the case initiating document contains the wrong document; (2) an illegible or unreadable document; or (3) no document.

D. Denial of an Electronic Criminal Application

If an Electronic Criminal Application is denied, an order so stating will be electronically filed under seal on the ECF system. The Participating Filer will be notified of the order through a Notice of Electronic Filing from the ECF System. Those Electronic Criminal Applications that are denied will remain under seal.

If an Electronic Criminal Application is denied, any Amended Electronic Criminal Application must be electronically filed under the docket number of the original Electronic Criminal Application.

E. Extension Requests

Any request for an extension, continuance, or postponement must be electronically filed under the same docket number as the Electronic Criminal Application to which it relates. If seeking to file such a request in a matter that was initially filed prior to the effective date of the Standing Order, the USAO must contact the Clerk's Office for assistance.

F. Exceptions

When the USAO believes that an Electronic Criminal Application, or any document associated with an Electronic Criminal Application, may be a Highly Sensitive Document (as that term is defined in the court's Standing Order regarding Highly Sensitive Documents (21-MC-00006)), it must electronically file a motion for leave to file in paper form using the same docket number as the Electronic Criminal Application to which it relates. Such filing shall be made in accordance with the procedures found in the court's Standing Order regarding Highly Sensitive Documents (21-MC-00006).

Electronic Criminal Applications may be made outside of the ECF system in exigent circumstances and when there is no ready access to ECF. When this occurs, the USAO is responsible for filing the Electronic Criminal Application in the ECF system within one court day, or as soon thereafter as is practical.

United States District Court
Southern District of New York

ECF Rules & Instructions
Revisions Effective July 24, 2023

Rule 1.1 Except as expressly provided and in exceptional circumstances preventing a party from filing electronically, all documents required to be filed with the Court must be filed electronically. Any party unable to comply with this requirement must seek permission of the Court to file in the traditional manner, on paper. Any such application made after regular business hours may be submitted through the night depository box maintained pursuant to [Local Civil Rule 1.2](#).

Pro se parties without electronic filing privileges (see Rule 2.2 below) may file documents via email subject to the procedures, limitations and payment guidelines set out in Appendix C below.

*Pro se parties without electronic filing privileges may also submit documents in the traditional manner, on paper, by delivering documents in-person, by regular mail, or after regular business hours through the night depository box located in the lobby of the U.S. Courthouse at 500 Pearl Street, New York, NY. Documents submitted by *pro se* parties in paper form will be scanned and docketed by the Clerk's Office into the ECF system.*

Rule 1.3 Unless limited by their terms to civil cases, the provisions of these procedures relating to electronic filing apply in miscellaneous and criminal cases. ~~Electronic filing procedures shall not apply to applications for arrest, search or electronic surveillance warrants; for other orders in aid of or ancillary to a criminal investigation; or to proceedings relating to the grand jury.~~

Rule 6.2 Is electronic filing under seal in ECF limited to publicly filed civil and miscellaneous cases?

Electronic filing under seal is limited to publicly filed civil and miscellaneous cases and is not permitted in cases sealed in their entirety, or in criminal cases. *Electronic filing under seal in magistrate cases is limited by the terms found in appendix B.*