

GUIDE TO FILING SEALED DOCUMENTS & MOTIONS**I. Motion for Leave to File Under Seal****(A) General**

Parties must file a Motion for Leave to File Under Seal and obtain leave of court to file a Sealed Document or a Sealed Motion, unless the document is a responsive filing to a motion or document already filed under seal. [See Section XV, Administrative Policy Governing Electronic Filing and Service.](#)

The Court has granted leave of court to file under seal for the following documents:

1. plea agreement supplements;
2. motions pursuant to Rule 35 of the Federal Rules of Criminal Procedure and accompanying memorandums in support and responsive filings;
3. motions pursuant to Section 5K1.1 of the United States Sentencing Guidelines and accompanying memorandums in support and responsive filings;
4. pen register or trap and trace device applications pursuant to either 18 U.S.C. § 3121 et seq. or 18 U.S.C. § 2516 et seq.;
5. sentencing memorandum supplements; and
6. search and seizure warrant applications.

If the document you are about to file is one of those set forth above, skip to the step-by-step instructions for filing Sealed Motions and Sealed Documents, as set forth in part III.

A Motion for Leave to File Under Seal should be accompanied by a memorandum in support setting forth the legal basis for sealing the proposed document or motion. The proposed sealed document or sealed motion must be attached to the Motion for Leave to File Under Seal.

Where counsel seeks to seal only portions of a document or motion, counsel must include as an attachment an unredacted copy of the document with the proposed redactions highlighted or otherwise identified in a manner that enables the Court to easily review the proposed redactions.

The Motion for Leave to File Under Seal and all accompanying documents will not be available to the public, unless the Court orders otherwise. Filing the Motion for Leave to File Under Seal will generate and send a Redacted NEF to all parties in the case.

The Redacted NEF will not provide access to the motion or accompanying documents. The filer must serve all documents on all parties by traditional means and must include a certificate of service either on the last page of the document or file as a separate document. [See Fed. R. Civ. P. 5 or Fed. R. Crim. P. 49.](#)

(B) Step-by-Step Instruction for Filing a Motion for Leave to File Under Seal

1. After logging in to CM/ECF, select either **Civil** or **Criminal** from the blue menu bar at the top of the CM/ECF screen.
2. Click on **Motions**, under **Motions and Related Filings**.
3.
 - a. If filing in a criminal case, enter the case number and click **Next**. Select the motion relief **Leave to File Under Seal** from the drop down list, and click **Next**.
 - b. If filing in a civil case, select the motion relief **Leave to File Under Seal** from the drop down list, and click **Next**. Enter the case number and click **Next**.
4. Click **Browse** and select the PDF file containing your Motion for Leave to File Under Seal as the main document.
5. Click **Browse** under attachment 1 and select the PDF file containing your memorandum in support of your motion, leave the category blank, type “**Memorandum in Support**” in the description box.
6. Click **Browse** under Attachment 2 and select the PDF filing containing your proposed sealed motion or sealed document, select either **Proposed Sealed Motion** or **Proposed Sealed Document** from the category list, and leave the description box blank. If the motion is requesting to seal only portions of a document or motion, include as an attachment an unredacted copy of the document with the proposed redactions highlighted or otherwise identified in a manner that enables the Court to easily review the proposed redactions. Once all attachments have been added, click **Next**.
7. Review the docket text and correct any errors. If everything is correct, click **Next**.
8. You will receive an NEF confirming your filing. Parties in the case who are registered users will receive a Redacted NEF.

The Redacted NEF will not provide access to the motion or accompanying documents. The filer must serve all documents on all parties by traditional means and must include a certificate of service either on the last page of the document or file as a separate document. See Fed. R. Civ. P. 5 or Fed. R. Crim. P. 49.

II. Court’s Order re: Motion for Leave to File Under Seal

After reviewing the motion and response(s), the Court will enter an Order on the Motion for Leave to File Under Seal. If the motion is granted, the Court will direct the filer to file the proposed sealed motion, proposed sealed document, or redacted document. If the motion is denied, the proposed sealed document or sealed motion will remain unavailable to the public, unless the Court orders otherwise.

The Court’s order ruling on the Motion for Leave to File Under Seal will not be sealed from public view. If additional findings or supplements need to be filed under seal, the Court will do so and such documents will not be available to the public. **A redacted NEF will be generated and sent, but it will not provide access to the Court Order. Distribution to the parties will be accomplished via traditional means.**

NOTE: If the Court directs a party to file a redacted document, the party should file

the redacted document using the Redacted Document event found under Other Documents for both civil and criminal cases. Redacted documents are available to the public.

III. Sealed Motions and Sealed Documents

- (A) If the court grants a party leave to file a motion or document under seal, the filer must file the Sealed Motion or Sealed Document as set forth below unless a party is not a registered user.

(B) Step-by-Step Instructions for Filing a Sealed Motion

1. After logging in to CM/ECF, select either **Civil** or **Criminal** from the blue menu bar at the top of the CM/ECF screen.
2. Click on **Motions**, under **Motions and Related Filings**.
3.
 - a. If filing in a criminal case, enter the case number and click **Next**. Select the motion relief **Sealed Motion** from the drop down list, and click **Next**.
 - b. If filing in a civil case, select the motion relief **Sealed Motion** from the drop down list, and click **Next**. Enter the case number and click **Next**.
4. Click **Browse** and select the PDF file containing your **Sealed Motion**, as the main document.
5. Click **Browse** under attachment 1 and select the PDF file containing your memorandum in support of your motion, leave the category blank, type **Memorandum in Support** in the description box.
6. If filing exhibits in support of your motion, select the PDF file(s) containing any exhibit(s), choose **exhibit** from the category drop down list. Continue this process until all exhibits are attached, then click **Next**.
7. Review the docket text and correct any errors. If everything is correct, click **Next**.
8. You will receive an NEF confirming your filing. Parties in the case who are registered users will receive a Redacted NEF.

The Redacted NEF will not provide access to the sealed motion. The filer must serve all documents on all parties by traditional means and must include a certificate of service either on the last page of the document or file as a separate document. See Fed. R. Civ. P. 5 or Fed. R. Crim. P. 49.

(C) Step-by-Step instruction for filing a Sealed Document

1. After logging in to CM/ECF, select either **Civil** or **Criminal** from the blue menu bar at the top of the CM/ECF screen.
2. Click on **Other Documents**, under **Other Filings**.
3. Select the event **Sealed Document** from the drop down list.
4. Enter the case number.
5. Click **Browse** and select the PDF file containing your **Sealed Document** as the main document.
6. If filing exhibits regarding your sealed document, select the PDF file(s) containing any exhibit(s), choose **exhibit** from the category drop down list, and complete the description box. Continue this process until all exhibits are attached, then click **Next**.
7. If filing in a civil case, select the party filing the document and click **Next**.
8. If appropriate, link the sealed document to another document and click **Next**.
9. Review the docket text and correct any errors. If everything is correct, click **Next**.
10. You will receive an NEF confirming your filing. Parties in the case who are registered users will receive the Redacted NEF.

The Redacted NEF will not provide access to the sealed document. The filer must serve all documents on all parties by traditional means and must include a certificate of service either on the last page of the document or file as a separate document. See Fed. R. Civ. P. 5 or Fed. R. Crim. P. 49.

(D) Filing Responsive Filings to a Sealed Motion

The Sealed Document event should also be used for filing responsive filings to Sealed Motions. Using the Sealed Document event will ensure the responsive filing is sealed from the public. Follow the steps set forth in part C above. Any exhibits to responsive filings should be filed as attachments to the Sealed Document.

IV. Court's Orders re: Sealed Motions

After reviewing the sealed motion and response(s), the Court will enter an Order on the Sealed Motion. The order will not be available to the public. **Distribution to the parties will be accomplished by traditional means.**