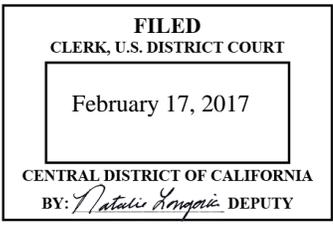


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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

IN THE MATTER OF ) GENERAL ORDER NO. 17-02  
CRIMINAL DUTY MATTERS )  
ELECTRONIC FILING PILOT PROJECT )

The Local Rules for the Central District of California provide that, subject to certain exceptions, all documents filed in civil and criminal cases must be filed electronically using the Court’s Case Management/Electronic Case Filing (“CM/ECF”) System. L.R. 5-4.1, L.Cr.R. 49-1.1. One of the exceptions is for documents filed in “criminal duty matters,” which must be presented to the Clerk for filing in paper format. L.Cr.R. 49-1.2(b)(4). Having determined that it would benefit the Court, the bar, and the public to allow electronic filing of documents in criminal duty matters, the Court establishes by this General Order a pilot project to test this practice, which will be known as the Criminal Duty Matters Electronic Filing Pilot Project (“Pilot Project”).

The Pilot Project will start on March 20, 2017. Beginning on that date, documents in certain types of criminal duty matters, identified below in Section I, must be filed electronically notwithstanding Local Rule 49-1.2(b)(4). It is anticipated that electronic filing will be expanded to additional criminal duty matters in the future by either General Order or Local Rule of this Court.

1 **I. CRIMINAL DUTY MATTERS DESIGNATED FOR PILOT PROJECT**

2 This General Order creates an exception to Local Criminal Rule 49-1.2(b)(4) for  
3 documents filed by the United States Attorney’s Office (“USAO”) in criminal duty  
4 matters initiated by the filing of an application for one or more of the following: (1) a  
5 search warrant, (2) a pen register, (3) a trap and trace device, or (4) an order under 18  
6 U.S.C. § 2703(d). Documents filed in all other criminal duty matters remain subject to  
7 Local Criminal Rule 49-1.2(b)(4) and must be presented to the Clerk for filing in paper  
8 format.

9 **II. PROCEDURES FOR FILING DOCUMENTS ELECTRONICALLY**  
10 **UNDER THE PILOT PROJECT**

11 The provisions that follow govern electronic filing under the Pilot Project. Filers  
12 should also refer to the “Criminal Duty Matters Electronic Filing Pilot Project User  
13 Manual,” available on the Court’s website, for more details and step-by-step  
14 instructions.

15 **A. Participating Filers**

16 The CM/ECF events needed to file documents electronically under this General  
17 Order will not be accessible to most users of CM/ECF. The USAO must give advance  
18 notice to the Clerk’s Office of the names of CM/ECF users who may file such  
19 documents. They will be identified as “Participating Filers,” and their CM/ECF  
20 accounts will be programmed to access Pilot Project events. CM/ECF users not  
21 designated as Participating Filers will not be able to file documents under the Pilot  
22 Project.

23 **B. Commencement of Criminal Duty Matter and Assignment of Case**  
24 **Number**

25 To obtain a search warrant, pen register, trap and trace device, or order under 18  
26 U.S.C. § 2703(d) under the Pilot Project, a Participating Filer must first open a new  
27 criminal duty matter in the Court’s CM/ECF System. This creates the docket in  
28 CM/ECF under which the relevant documents will be filed. A criminal duty matter

1 opened electronically in the CM/ECF System by a Participating Filer will automatically  
2 be issued an “MJ” case number. All criminal duty matters opened under the Pilot  
3 Project will initially be given a generic name, such as “U.S. v. Search Warrant.” After  
4 opening the docket and obtaining a case number, the filer must add that case number to  
5 the caption of each document filed in the case.

### 6 **C. Filing Application**

#### 7 **1. For Search Warrant**

8 To obtain a search warrant, the filer must electronically file an “Application for  
9 Search Warrant” as docket number one (Dkt. No. 1) in the case, and lodge the Proposed  
10 Search Warrant as an attachment to the Application. If the Application requests a  
11 delayed-notice search warrant, a completed AO-95 Delayed-Notice Search Warrant  
12 Report form must be attached to the Application. The Application, all attachments to  
13 the Application, and the text of the docket entry will automatically be sealed upon  
14 filing, and will remain sealed until after the Warrant, if approved, issued, and executed,  
15 is returned.<sup>1</sup> A separate Application for Leave to File Under Seal is not necessary  
16 unless the filer believes that documents filed in the case should remain under seal after  
17 the executed warrant has been returned; in that event, an Application for Leave to File  
18 Under Seal should be electronically filed as docket number two (Dkt. No. 2) in the  
19 case, with a Proposed Order attached.

#### 20 **2. For Pen Register, Trap and Trace Device, or Order Under 18** 21 **U.S.C. § 2703(d)**

22 To apply for an order authorizing a pen register or trap and trace device, or for an  
23 order under 18 U.S.C. § 2703(d), the filer must electronically file an “Application for  
24 [Pen Register] [Trap and Trace Device] [Order Under 18 U.S.C. § 2703(d)]” as docket  
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26 <sup>1</sup>For a brief time immediately after filing the Application and attachments, the filer may not  
27 be able to view the sealed documents. Shortly after the criminal duty matter is opened, Clerk’s  
28 Office staff will edit the default settings for the case in CM/ECF to seal the entire case and to allow  
the filer to view the case and all sealed documents filed therein.

1 number one (Dkt. No. 1) in the case, and lodge a Proposed Order as an attachment to  
2 the Application. The Application, all attachments to the Application, and the text of  
3 the docket entry will automatically be sealed upon filing, and will remain sealed until  
4 an order unsealing them is entered.<sup>2</sup> A separate Application for Leave to File Under  
5 Seal is not necessary.

#### 6 **D. Notice to Duty Judge**

7 After filing an Application electronically under Section II.C., the filer must  
8 immediately send an email to the chambers email address of the appropriate duty  
9 magistrate judge, notifying the judge that the Application has been filed. Since  
10 individual judges are not assigned to criminal duty matters, the duty judge will not  
11 otherwise receive notice that an Application has been filed. If the filer fails to email  
12 notice to the duty judge promptly after filing the Application, the Application may not  
13 be considered.

14 The notice email must include the following information: notice that an  
15 Application has been filed, the case number, contact information for the responsible  
16 agent and the Assistant United States Attorney (“AUSA”) who filed the Application, a  
17 Word or Word Perfect copy of the Proposed Warrant or Order, and, if applicable, a  
18 Word or Word Perfect copy of the Proposed Order to Seal. If multiple related  
19 Applications are filed concurrently (such as when a single Affidavit covers multiple  
20 search locations), the notice email should include a list of all such Applications and  
21 their associated case numbers and attach any required Word or Word Perfect copies of  
22 Proposed Warrants and Proposed Orders to Seal.

#### 23 **E. Identifying Appropriate Duty Judge**

24 For new Applications e-filed between 8:00 a.m. and 4:30 p.m. on regular Court  
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26 <sup>2</sup>For a brief time immediately after filing the Application and attachments, the filer may not  
27 be able to view the sealed documents. Shortly after the criminal duty matter is opened, Clerk’s  
28 Office staff will edit the default settings for the case in CM/ECF to seal the entire case and to allow  
the filer to view the case and all sealed documents filed therein.

1 days, the notice email must be sent to the magistrate judge on criminal document duty  
2 that day. For new Applications e-filed after 4:30 p.m. that do not require emergency  
3 attention, the notice email must be sent to the magistrate judge on criminal document  
4 duty the next regular Court day.

5 For new Applications e-filed between 4:31 p.m. and 8:00 a.m. the next regular  
6 Court day that require emergency attention, a notice email is not sufficient. In addition  
7 to the notice email, which should be directed to the magistrate judge on after-hours  
8 duty at the time the Application is e-filed, the filer must also follow the current  
9 procedures for all after-hours filings and contact the United States Marshals Service.  
10 Note that the magistrate judge on after-hours duty as of 4:31 p.m. receives applications  
11 that require emergency attention until 8:00 a.m. the following day.

12 For Applications that have already been denied by a previous duty judge and that  
13 are being re-filed with amendments or corrections, the notice email must be sent to the  
14 judge who denied the original Application even if a different judge is on duty the day  
15 the amended Application is filed, unless the amended Application requires emergency  
16 attention outside regular court hours.<sup>3</sup> For previously denied Applications re-filed  
17 between 4:31 p.m. and 8:00 a.m. the next regular Court day that require emergency  
18 attention, the notice email should be sent to the magistrate judge on after-hours duty at  
19 the time the Application is re-filed, regardless of which judge denied the original  
20 Application.

## 21 **F. Default Procedures to Obtain Ruling on Application**

### 22 **1. For Search Warrant**

23 Unless otherwise directed by the duty judge to whom the notice email is sent, the  
24 agent seeking to obtain a search warrant during regular court hours must, after the  
25 Application has been e-filed and the notice email sent, bring the original and one copy  
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27 <sup>3</sup>If the original judge is unavailable, Clerk's Office staff will forward the notice to the duty  
28 judge.

1 of the Application and any other e-filed documents directly to the appropriate duty  
2 magistrate judge in person, in accordance with current practice.

3 **2. For Pen Register, Trap and Trace Device, or Order Under 18**  
4 **U.S.C. § 2703(d)**

5 No personal appearance is necessary in connection with an Application for a pen  
6 register, trap and trace device, or order under 18 U.S.C. § 2703(d). The duty judge will  
7 rule on the Application based on the electronically filed documents.

8 **G. Ruling on Application**

9 **1. If Application Granted**

10 **a. For Search Warrant**

11 If the Application is granted, the Proposed Warrant must be finalized, signed,  
12 and filed. Unless otherwise directed by the reviewing judge, the original and the one  
13 paper copy provided by the agent will both be signed and conformed; the original will  
14 be returned to the agent and the copy retained by the Court for scanning and docketing.

15 **b. For Pen Register, Trap and Trace Device, or Order Under**  
16 **18 U.S.C. § 2703(d)**

17 If the Application is granted, an order will be filed, and the filer will receive a  
18 Notice of Electronic Filing from the Court's CM/ECF System.

19 **2. If Application Denied**

20 If the Application is denied, with or without prejudice, a docket entry to that  
21 effect will be entered, and the filer will be notified of the result electronically by  
22 receiving a Notice of Electronic Filing from the Court's CM/ECF System. Denied  
23 Applications will remain under seal. Once the Application has been denied, any  
24 subsequent Application must be e-filed as a new criminal duty matter, under a new case  
25 number, even if the Application is amended in response to the reviewing duty judge's  
26 comments. However, when the amended Application is e-filed, the notice email  
27 required by Section II.D., above, must be sent to the judge who denied the original  
28 Application even if a different judge is on duty the day the amended Application is

1 filed, unless the amended Application requires emergency attention outside regular  
2 court hours.<sup>4</sup> For previously denied Applications re-filed between 4:31 p.m. and 8:00  
3 a.m. the next regular Court day that require emergency attention, the notice email  
4 should be sent to the magistrate judge on after-hours duty at the time the Application is  
5 re-filed, regardless of which judge denied the original Application.

6 **H. Search Warrant Returns**

7 After the Warrant has been executed, the AUSA must e-file the return under the  
8 same case number. After the return has been filed, the criminal duty matter will be  
9 closed and, unless an Order to Seal the case has been entered, unsealed.

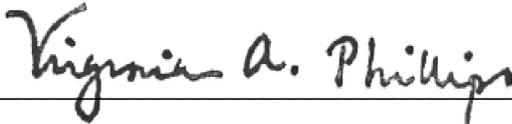
10 **I. Extension Requests for Delayed-Notice Search Warrants**

11 Requests for extensions of delayed-notice search warrants must be e-filed under  
12 the same case number as the Application that was granted. Each such request must be  
13 accompanied by a completed AO-95 Delayed-Notice Search Warrant Report form.  
14 After filing a request for extension, the filer must immediately send an email to the  
15 chambers email address of the magistrate judge on duty at the time of filing the  
16 extension request, even if a different judge granted the original Application. If the filer  
17 fails to email notice to the duty judge promptly after filing the request for extension,  
18 the request may not be considered.

19 **J. Application of Other Rules**

20 Except as noted with respect to Local Criminal Rule 49-1.2(b)(4), all federal and  
21 local rules continue to apply to documents filed under this General Order.

22 IT IS SO ORDERED.

23 

24 CHIEF UNITED STATES DISTRICT JUDGE

25 *Date of Approval by the Court:* February 16, 2017

26 *Date of Filing by the Clerk:* February 17, 2017

27 \_\_\_\_\_  
28 <sup>4</sup>If the original judge is unavailable, Clerk's Office staff will forward the notice to the duty judge.