

49.1 Electronic Case Filing (CM/ECF).

- (a) **Electronic Documents Authorized.** Under Federal Rule of Criminal Procedure 49(d) and Federal Rule of Civil Procedure 5(d), the clerk accepts documents filed, signed, or verified electronically that are consistent with court-ordered technical standards established by the Judicial Conference of the United States. A document filed in compliance with this rule is a written document for purposes of applying the local rules and the Federal Rules of Criminal Procedure.
- (b) **Mandatory Filing.** All documents must be filed electronically.
- (c) **Exceptions.** The following matters or individuals are excepted from mandatory electronic filing:

 - (1) pro se parties who are not registered users;
 - (2) cases filed under seal;
 - (3) exhibits, evidence, or attachments the nature of which precludes electronic filing;
 - (4) juvenile criminal cases, even if the court subsequently rules that the juvenile must be tried as an adult;
 - (5) documents excepted from electronic filing requirements by these rules; and
 - (6) situations in which an attorney applies for and receives permission from the assigned judge to file documents nonelectronically.
- (d) **Facsimile and E-mail Filings not Allowed.** A document is not considered filed under the Federal Rules of Criminal Procedure until the filing party receives a System generated NEF after uploading the document to the System. A document faxed or e-mailed to the clerk or assigned judge is not considered filed without a court order.
- (e) **Timely Filing.** A document is considered timely filed if filed before midnight Central Standard Time (or Central Daylight Time, if in effect). However, the assigned judge may order a document filed by a time certain.
- (f) **Official Record.** The clerk does not maintain a paper court file in any case unless required by law or local rule. When a document is filed electronically,

the official record is the electronic recording of the document as stored by the court, and the filing party is bound by the document as filed.

- (1) **Documents Filed Nonelectronically.** The official record also includes any documents filed nonelectronically under local rule.
 - (2) **Original Documents Scanned and Discarded.** The clerk scans and discards original documents brought to the clerk for filing unless the document's size or nature requires that it be kept in paper format. An attorney who wishes to have an original document returned after the clerk scans and uploads it to the System may, before submitting the document to the clerk, ask the assigned judge for written authorization for the document's return. Authorization is granted on a case-by-case basis. The court does not allow blanket authorizations for the return of all original documents filed by an attorney or office.
- (g) **File Date.** Except for documents first filed with the court nonelectronically and then uploaded to the System, a document filed electronically is considered filed as of the date and time stated on the NEF.