

5.1 Electronic Case Filing (CM/ECF).

(a) Mandatory Electronic Case Opening and Filing.

Attorneys filing new civil cases in this district are required to open the cases themselves using the System. All documents must be filed electronically.

(b) Non-prisoner Pro Se Party Case Filing.

- (1) Only non-prisoner pro se parties to pending civil cases may file documents electronically. The clerk will deny any request for electronic filing made by prisoners or pro se parties who are not parties to pending civil cases.
- (2) An initial request to electronically file in this court must be submitted through PACER. See NEGenR 1.3(b)(1). Subsequent requests to electronically file in later-filed cases must be made to the clerk by email at clerk@ned.uscourts.gov.

(c) Exceptions.

The following matters or individuals are excepted from mandatory electronic case opening and filing:

- (1) pro se parties who are not registered users;
- (2) cases filed under seal by court order;
- (3) exhibits, evidence, or attachments, the nature of which precludes electronic filing;
- (4) cases or documents excepted by statute or rule; and
- (5) situations in which an attorney applies for and receives permission from:
 - (A) the chief judge to have the clerk open the new case on the System; or
 - (B) the assigned judge to file documents nonelectronically.

(d) Facsimile and E-mail Filings Not Allowed.

A document is not filed under the Federal Rules of Civil 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 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 a 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.

(3) Copies of Filings.

A party who requests a copy of a paper document submitted for filing must, at the time of filing, supply the clerk's office with the copy and, if the return is to be made by mail, a self-addressed, stamped envelope.

(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.