

**United States District Court
Northern District of Texas**



Filing a Sealed and/or Ex Parte Document in a Criminal Case
(updated 11/2016)

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A. Introduction

This document is intended to guide an ECF user through the process of filing a sealed and/or *ex parte* document in a criminal case.

You may file under seal any document that a statute or rule requires or permits to be so filed. The term “document,” means any pleading, motion, other paper, or physical item that the Federal Rules of Civil Procedure permit or require to be filed. See LR 79.3(a), LCrR 55.3(a), and Amended Special Order 19-1. If no statute or rule requires or permits a document to be filed under seal, you may file a document under seal only on motion and by permission of the presiding judge. See LR 79.3(b) and LCrR 55.3(b). Currently, you may not electronically file documents in a SEALED case.

When leave of court is necessary to file a document under seal, you must use the *Sealed and/or Ex Parte Motion* event to request permission to file the document under seal. The document that you want to file under seal must be attached as an exhibit to the motion to seal. If leave is granted, the clerk will file the document as of the date of the order granting leave. See LR 79.3(b)(2) and LCrR 55.3(b)(2). Please include the word “Sealed” or “Ex Parte” in the title or caption of both the motion and any proposed order, which will aid the clerk in proper order distribution.

If you indicate while docketing that the motion or document is *ex parte*, a Notice of Electronic Filing (NEF) will be sent to the document filer, including non-terminated co-counsel, and remote electronic access will be granted only to those recipients. If you do not indicate the document is *ex parte* while docketing, a NEF will be sent to BOTH the Applicable Defendant and the USA (based on your selections), and remote electronic access will be granted to those recipients. Regardless of the restriction level (sealed or *ex parte*), neither the docket entry nor the document will be accessible by the public on PACER.

If the clerk docketed a sealed or *ex parte* document submitted on paper, notice and access will be sent to the document filer only.

Questions concerning how to electronically file a document under seal and/or *ex parte* should be directed to your [local clerk's office](#) or [ECF Help Desk](#).

(Note: If your document references a document that was previously filed in ECF, you may create a hyperlink in the current document to the previously filed document. Additionally, you may create a hyperlink in your current document to any attachment you intend to upload at the same time you docket the current document. For instructions on creating these hyperlinks, please see the [Cross-Document Hyperlinks](#) manual.)

B. Selecting the Correct Category

After logging into the ECF system, select the Criminal events menu as appropriate. See Figure 1.



Figure 1

Click on the [Sealed and Ex Parte Documents](#) or the [Sealed and Ex Parte Responses/Replies/Appendices/Briefs](#) link under the **Sealed and Ex Parte Filings** category. See Figure 2.



Figure 2

Review the opening message and click the [Next] button. See Figure 3.

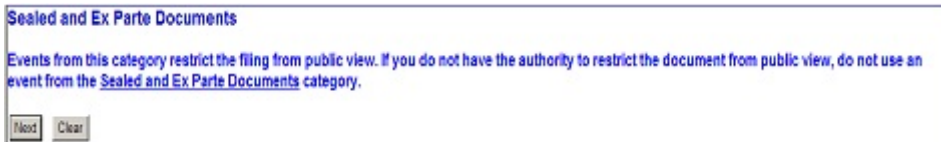


Figure 3

C. Selecting the Correct Event

Select the appropriate event, which will cause it to appear in the **Selected Event** text field. Click [Next] to continue. See Figure 4.

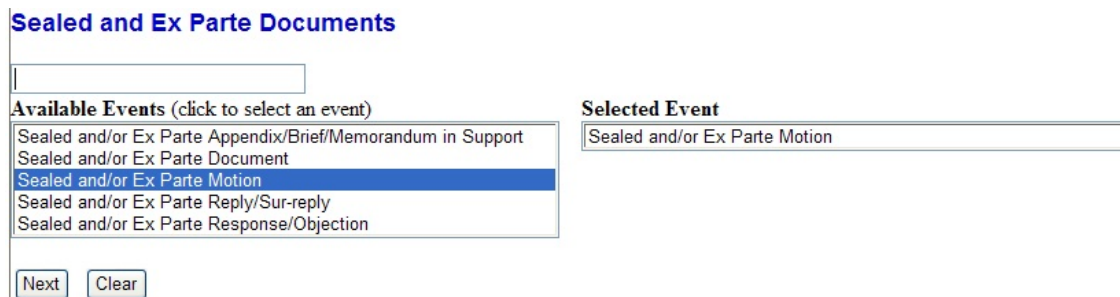


Figure 4

Read the warning message and click [Next]. See Figure 5.



Figure 5

D. Entering the Criminal Case Number

The Criminal Case Number screen appears. See Figure 6. Enter the **Case Number** using one of the available formats shown. Then, click the [Find This Case] button.

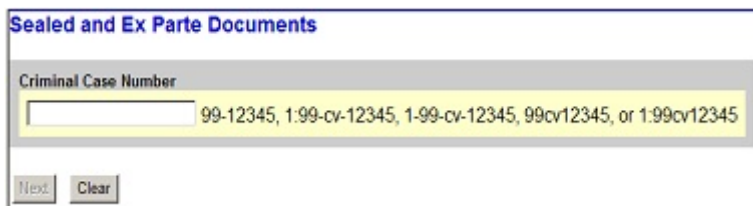


Figure 6

If the system indicates you entered an invalid case number, re-enter the case number and click the [Find This Case] button until you locate the correct case. If more than one case number is found that matches your search criteria, click the check box next to your case number. **IMPORTANT! If this is a multi-defendant case, be careful to select only the individual defendant case to which this filing relates.** See Figure 7.

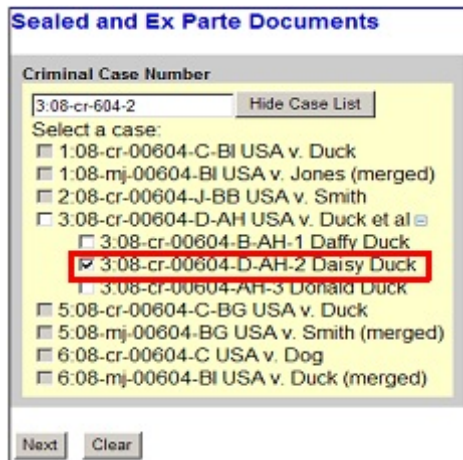


Figure 7

The next screen displays the case number and the style of the case. Verify this information is correct before continuing. If incorrect, use your back button to return to the previous screen and enter the correct case number. Click [Next] to continue.

E. Selecting the Correct, Single Defendant's Name

The Case Selection Confirmation screen appears next. If you see the correct applicable defendant(s) name displayed in **red**, AND NO OTHERS, select the **Yes** radio button to confirm and click **[Next]**. If you do not see the correct applicable defendant(s) name (or more than the applicable defendant(s) names are listed) select **No**. You will be asked to browse back to the case selection screen and choose the correct defendant(s). See Figure 8.



The screenshot shows a web form titled "Sealed and Ex Parte Documents" with the case number "3:08-cr-00604-D-AH USA v. Duck et al". Below the title is the heading "CASE Selection Confirmation (In a multi-defendant case, apply this event ONLY to the applicable defendant(s)!)" and a message: "You selected the case for Defendant(s): Daisy Duck." The main question is "Do you see the applicable defendant(s) name, and no others, displayed in red above?" with two radio button options: "Yes" and "No". At the bottom are "Next" and "Clear" buttons.

Figure 8

F. Attaching Your Document

Identify the directory path and file name for your document. Click **[Browse...]** next to the **Main Document** text field. See Figure 9.



The screenshot shows a web form titled "Sealed and Ex Parte Documents" with the case number "3:08-cr-00604-AH USA v. Duck et al". The heading is "Filing a Sealed and/or Ex Parte Document in a Criminal Case". The instruction is "Select the pdf document and any attachments." There is a "Main Document" text field with a "Browse..." button highlighted in red. Below is the instruction "Attach your main document." and "When adding attachments, select a category and/or enter a description. Both will appear in the docket text, so do not repeat words in the description that are in the category you select." There is a table with columns "Attachments", "Category", and "Description". The first row has "1." in the "Attachments" column, a "Browse..." button, a dropdown menu, and an empty "Description" field. At the bottom are "Next" and "Clear" buttons.

Figure 9

A pop-up box will appear. Navigate to the appropriate folder containing the PDF document(s) you wish to file. Right-click on the document and select the option to open the document in Adobe Acrobat. This allows you to preview the document to ensure you have selected the correct file. (Remember, once submitted, a document cannot be edited.) After verifying you have selected the correct PDF document, click **[Open]** to accept the PDF for filing. See Figure 10.

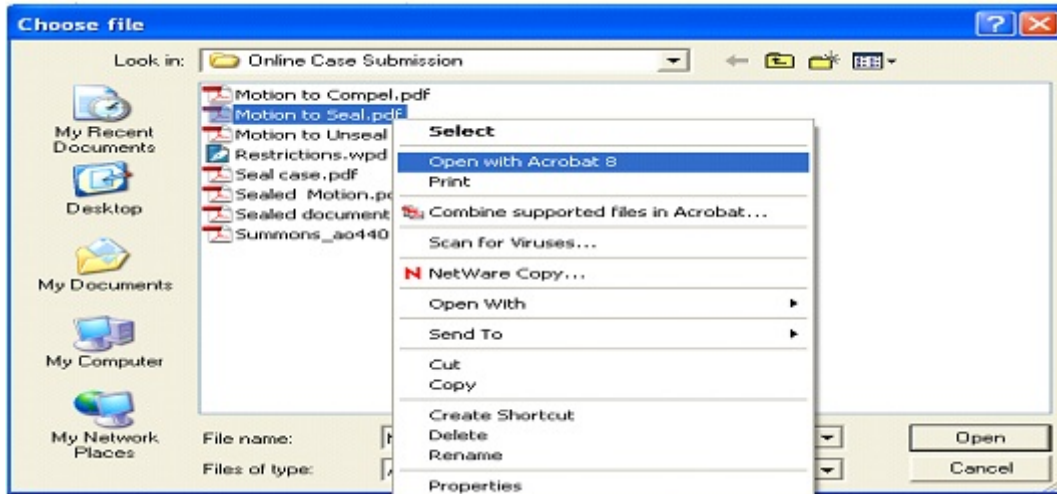


Figure 10

The pop-up box will disappear and the path to the **Filename** will appear in the text field box. If you are attaching a document to the sealed and/or *ex parte* motion or other sealed and/or *ex parte* document you are filing, click [**Browse...**] under the **Attachments** section of the screen to add the first attachment. Otherwise, click [**Next**] to continue.

G. Adding Attachments

Navigate to the appropriate folder and preview the document as previously described. Provide a brief description of the attachment in the description field (this will display in docket text). If the drop down Category list does not describe your document, leave it blank. Additional rows will be added as needed to attach the next PDF document. Click [**Browse...**] to repeat the process until all attachments have been added. When you have added all attachments, click [**Next**] to continue. See Figure 11.

Sealed and Ex Parte Documents
[3:08-cr-00804-AH USA v. Duck et al](#)

Filing a Sealed and/or Ex Parte Document in a Criminal Case

Select the pdf document and any attachments.

Main Document
 M:\USER\AWoods\Online Case Submiss

Attach your main document.

When adding attachments, select a category and/or enter a description.
 Both will appear in the docket text, so do not repeat words in the description that are in the category you select.

Attachments	Category	Description
1. M:\USER\AWoods\Online Case Submiss <input type="button" value="Browse..."/>		Proposed Sealed Docume <input type="button" value="Remove"/>
2. <input type="button" value="Browse..."/>		

Figure 11

H. Document Specific Selections

Depending on the type of restricted document you are filing, you may be prompted to make selections in addition to identifying who should receive notice of the filing and your authority for filing under seal (as outlined in sections I. and J. below).

For example, when filing a *sealed and/or ex parte response/objection*, you will be prompted to 1) identify the type of document you are filing and 2) select from a list the document to which you are responding or objecting. If your related document does not appear on the list, you will be directed to provide the document number (if known) and the title of the related document (e.g. Sealed Motion to Continue).

I. Identifying Your Noticing Intent

Identify who should receive notice of this filing. See Figure 12.

Sealed and Ex Parte Documents
[3:08-cr-00604-AH USA v. Duck et al](#)

Filing a Sealed and/or Ex Parte Document in a Criminal Case

You are encouraged to include the word *SEALED* or *EX PARTE* in the title or caption of both the motion and any proposed order, which will aid the Clerk in proper order distribution.

ECF will serve this motion on ALL PARTIES (sealed) or on the FILER ONLY (ex parte). Regardless of your selection below, neither the entry nor the document will be accessible to the public.

This motion:

is to be served on the BOTH the Applicable Defendant and the USA - Sealed
(You will indicate your authority to file under seal on a subsequent screen.)

is to be served on ONE PARTY only - Ex Parte
(Sealed by Special Order 19-1, statute, rule, and/or ECF Admin. P.)

Figure 12

J. Identifying Your Authority for Filing Under Seal

If the motion or document is to be served on all parties (sealed), identify the authority under which you are submitting this document under seal. If your authority stems from a previously entered order, you will be prompted to enter that date. The selection you make will appear in final docket text. (If the motion or document is to be served on the filer only (ex parte), you will not be prompted to make an authority selection.) See Figure 13.

Sealed and Ex Parte Documents
3:08-cr-00604-D-AH USA v. Duck et al

Indicate the authority to file this document under seal:

This is a Motion to Seal
 SO 19-1, statute, or rule
 Prior order entered in this case

For text purposes, indicate who is filing the document:

USA
 Defendant
 Both
 Other (selecting Other requires you to enter the party name in the box below)

Enter the full title of the document below:
(Example: *Sealed Motion for Leave to File Report*) Sealed Motion for Leave to

Next Clear

Figure 13

For text purposes, you will also be prompted to indicate who is filing the document and to provide the document's full title.

K. Selecting Your Recipients for Noticing

You will be prompted to make the appropriate selections for notice of and access to the document(s).

If you indicated the document is to be served on BOTH the applicable defendant(s) and the USA (sealed), make the appropriate selections by holding down the “Ctrl” key on the keyboard and using the mouse to highlight names from the list.

If you indicated the document is to be served on ONE PARTY only (ex parte), make the appropriate selection by using the mouse to highlight a name from the list. See Figure 14. Click [Next] to continue.

Sealed and Ex Parte Documents
3:08-cr-00604-D-AH USA v. Duck et al

IMPORTANT!
Carefully select the party or parties THAT SHOULD RECEIVE NOTICE of this event.
Your prior selections indicate this filing is related to or should be served upon:
Daisy Duck, and the USA. If this is not correct, ABORT and begin again!

The parties selected below will receive notice of, and have access to this document.
SELECT CAREFULLY

Select the Party:

USA [pl]
Duck, Daisy [dt]
Duck, Daisy [dt]
Duck, Donald [dt]

Next Clear

Figure 14

You will then be asked to confirm the parties you selected for noticing and remote electronic access. Review your selections displayed in **red** and choose the applicable statement. See Figure 15.

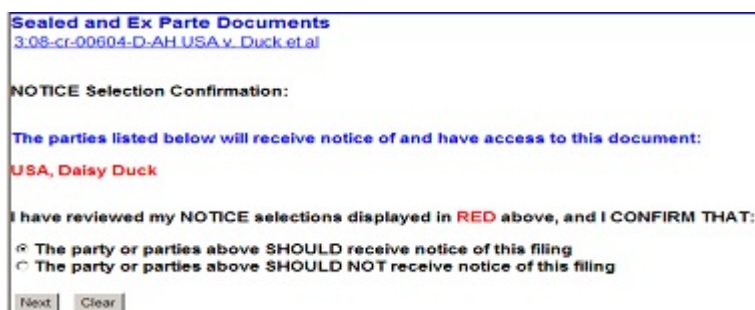


Figure 15

If the selections that appear in red are correct, select “The party or parties above SHOULD receive notice of this filing” and click **[Next]**.

If the selections that appear in red are incorrect, you should select “The party or parties above SHOULD NOT receive notice of this filing” and click **[Next]**. You will be asked to browse back to the notice selection screen to make the correct selection.

L. Completing the Filing

The final docket text will be displayed. Carefully verify that both the docket text and the docket event are correct. If you need to make modifications, click the **[Back]** button and make the necessary corrections. Once you are satisfied, complete the transaction by clicking the **[Next]** button. See Figure 16.

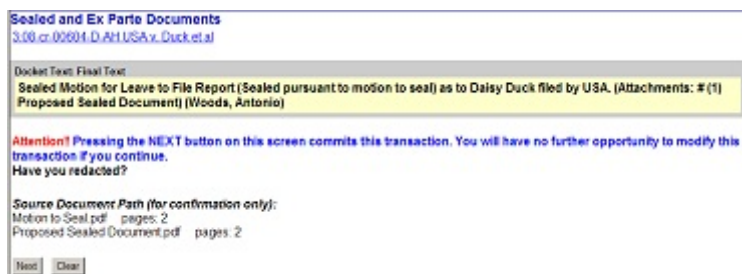


Figure 16

Review the Notice of Electronic Filing (NEF). In addition to serving as notification that the event was accepted by the court’s database and providing document filing information and relevant hyperlinks, it also indicates who will and will not receive a NEF via email.

M. Accessing Restricted Documents

If you are a secondary e-mail recipient on an attorney's primary account and you received a NEF for a sealed or ex parte document, please be advised that only the attorney's Northern District of Texas ECF Filer login will gain access to the document. See the procedures for [Accessing Restricted Documents](#).