

UNITED STATES DISTRICT COURT DISTRICT OF WYOMING



CM/ECF PROCEDURES MANUAL

Updated June 2020

TABLE OF CONTENTS

I. DEFINITIONS AND ACRONYMS	<u>1</u>
II. GENERAL INFORMATION	<u>2</u>
III. E-FILING IN CIVIL CASES	<u>10</u>
IV. E-FILING IN CRIMINAL CASES	<u>19</u>
APPENDIX A	<u>27</u>
APPENDIX B	<u>33</u>

I. DEFINITIONS AND ACRONYMS

CM/ECF - Case Management/Electronic Case Filing

PACER - Public Access to Court Electronic Records

NEF - Notice of Electronic Filing

Electronic filing (E-filing)- Uploading your pleading in a Portable Document Format (PDF) by using the Electronic Case Filing System (ECF) via the Court's case management system at <https://ecf.wyd.uscourts.gov>.

Conventional Filing - Filing submitted to the Clerk's Office in paper form.

II. GENERAL INFORMATION

A. This CM/ECF Procedures Manual serves as the guidelines and policy for all electronic filings using the CM/ECF system.

B. On/After June 1, 2006

Unless otherwise permitted by these administrative procedures, by local rule, or by a general order of the Court, all new civil and criminal cases filed on or after **June 1, 2006**, shall be e-filed cases. Documents shall be filed electronically in a PDF format using the CM/ECF system found at <https://ecf.wyd.uscourts.gov>. (See Section D for exceptions)

C. Public Access to CM/ECF and Electronic Filing

Electronic Access to CM/ECF is available to the public at no charge at the Clerk's Office in both Cheyenne and Casper during regular business hours. A copy fee for electronic reproduction is required in accordance with 28 USC 1914.

D. Exceptions

i. In General

The District of Wyoming encourages all cases to be e-file cases. However, the Court is sensitive to the fact that there may be special circumstances on the part of counsel or filing parties. Therefore, there will be an "opt-out" provision for those who feel their case should not be an e-file case. The Court will approve any requests for "opting-out" on a case by case/party by party basis.

ii. Initiating Documents

As of March 30, 2020, initiating pleadings may be filed conventionally in the Clerk's Office, including the civil case filing fee of \$400.00, if applicable, payable to the Clerk, U.S. District Court or via email by submitting all documents in PDF format to: wydnewcase@wyd.uscourts.gov. Payment is due within three (3) days for any initiating pleading received via e-mail. Payment may be made by check payable to the Clerk of US District Court or by credit card via Pay.gov. The civil filing fee for persons granted *in forma pauperis* status under 28 USC § 1915 is \$350.00.

iii. Pro Se Parties

Pro Se parties may not use ECF or e-mail and must file all their documents conventionally. These documents will be scanned and docketed by Clerk's Office staff.

iv. Social Security Cases

Social Security cases are governed by Section Q of the civil portion of this manual.

v. Transcripts

Effective January 5, 2009, transcripts will be filed electronically.

vi. Material That Cannot Be Converted to Electronic Form

Materials that cannot be converted to electronic form, (e.g., videotapes, audiotapes, etc.) must be filed conventionally by delivering them directly to the Clerk's Office (with the original plus one copy). The filing of the materials they pertain to may be e-filed, with the other materials delivered to the Clerk's Office immediately thereafter.

vii. Sealed Documents and Documents for *In Camera* Review

Any document sought to be filed under seal or submitted for *In Camera* Review shall be filed conventionally. Conventionally submitted materials shall be submitted with a paper cover page containing the case caption, a description of the materials submitted, and a designation of the pleading or motion to which the materials relate (e.g., "Videotape Deposition of John Doe, Exhibit 7 to Plaintiff's Motion for Summary Judgment") and brought to the Clerk's office in a sealed envelope with a cover sheet attached. It is the responsibility of the filing party to serve all sealed documents to the appropriate parties.

E. System Availability, Requirements and Help Desk

i. Availability

ECF will be available 24 hours a day, seven days a week. Advanced notice will be posted on the Court's web site and CM/ECF site for any scheduled downtime due to maintenance or upgrades.

ii. System Requirements

The following system requirements are needed to use ECF:

A personal computer running a standard platform such as Windows 7, Windows 10 or MacOS.

A word processor like Mac or Windows-based versions of Word which can convert documents to PDF.

Files that are converted rather than scanned are preferred. The size limit for each PDF file/document filed in ECF is fifty (50) megabytes. The maximum merge document size is one hundred fifty (150) megabytes.

Internet access and a web browser. CM/ECF has been tested to work correctly with Firefox and Internet Explorer 8 and 9 and Edge Chromium.

For viewing documents, not creating/authoring them, Adobe Acrobat Reader only is needed.

A scanner to transmit documents that are not in your word processing system (for example, attached exhibits that were not originally generated in your office). This is not the preferred format for documents; documents shall be generated directly from a word processing system whenever possible.

iii. ECF Help Desk

The ECF help desk is available at the Clerk's Office Monday through Friday (excluding Federal holidays) from 8:00 am-12:00 pm and 1:00 pm-5:00 pm Mountain Time. You can call either the Cheyenne (307-433-2120) or Casper (307-232-2620) Clerk's Office for assistance, during normal hours.

F. Registration for PACER and ECF

i. PACER Registration

Documents filed with the Court are accessed through PACER. PACER registration is required for ECF. To register for PACER, complete the online form at <http://pacer.psc.uscourts.gov> or contact the PACER Service Center at (800) 676-6856 or (210) 301-6440. The Notice of Electronic Filing generated by each transaction permits the filer and each recipient "one free look" without charge to view, print and/or download documents filed. Any subsequent queries will require a PACER login. Each attorney must have their own PACER account.

ii. ECF Registration

a. Attorney Admitted to Practice in this Court

Any attorney who is a member in good standing of the bar of this Court shall, before filing any pleading, register as a participant in ECF by completing the ECF registration form located on the Court's website at www.wyd.uscourts.gov. It is located under the "Case Info", "Wyoming CM/ECF" buttons. Each attorney will get a separate login and password, which shall act as their "electronic signature." Upon completion of required training, or by proof of training in another district, the Clerk's Office will issue an ECF login and password. For information on training see subsection iv of this section.

b. Revocation of ECF Login and Access

The Court may, for good cause, revoke the ECF registration of an attorney at any time.

iii. Passwords

a. Issuing Passwords

Upon completion of registration and training, each attorney admitted to practice in the District of Wyoming shall be entitled to one login/password to CM/ECF.

b. Changing Passwords

After attorneys receive their initial password, they are highly encouraged to change it immediately. Instructions on how to do this may be found on our website at www.wyd.uscourts.gov.

c. Restrictions on Use

No attorney shall permit or cause to permit his or her login/password to be used by anyone other than a person whom the attorney has authorized to file on the attorney's behalf.

d. Responsibility and Sanctions

An attorney is responsible for all documents filed using his or her login/password and is subject to sanctions under Fed. R. Civ. P. 11.

e. Security of Password

If an attorney believes that the security of an existing

login/password has been compromised or that an ECF account has been misused, the attorney must contact the Clerk's Office and change their password immediately.

f. Change of E-Mail Address

An attorney whose e-mail address changes shall, within ten days, update the e-mail address in the utilities section of ECF.

iv. ECF Training

Training classes are offered by telephone upon request. The class runs approximately one hour in length. Attorneys are encouraged to participate in training with their staff. Be advised that *only* attorneys will be issued a CM/ECF login and password at the time of training. To schedule training, please call (307) 433-2120 (Cheyenne) or 307-232-2620 (Casper). A list of frequently asked questions and electronic learning modules (ELMs) are available on our website at: <https://www.wyd.uscourts.gov/wyoming-cmecf> or computer based training modules (CBTs) at <https://www.pacer.gov/cmecf/dc/> .

G. Time of Filing Documents in ECF

i. Document Deemed Timely

A document will be deemed timely filed in ECF if it is filed prior to 12:00 am midnight (Mountain Time) on its due date, unless otherwise specified by the Court.

ii. ECF Technical Failure

In the event of a technical failure with the Court's ECF system, the Clerk's Office may deem the site unaccessible on a given day and documents due that day shall be due the day immediately following (advanced notice of any Court maintenance will be posted on the Court's website). Problems on the filer's end, such as telephone line problems, problems with the filer's Internet Service Provider, or hardware or software problems, will not constitute a technical failure under these procedures, nor excuse an untimely filing.

H. Public Access to ECF

i. Access at the Court for Research

Access to ECF for research (not filing) is available to the public during regular business hours at no charge. A public computer terminal is available at the Clerk's Offices in both Cheyenne and

Casper. Copy fees may apply.

ii. Access at the Court for E-Filing

Access to e-file is available to any user who has obtained a CM/ECF login and password. A computer terminal and scanner can be made available at the Clerk's Offices in both Cheyenne and Casper.

I. Electronic Filing, Service of Documents and Payment of Fees

i. Filing in ECF

All documents shall be electronically filed in ECF. E-mailing a document to the Clerk's Office or to a Judicial Officer does not constitute filing except as otherwise provided by these procedures.

- a) Compound Pleadings are not allowed. Each pleading needs to be filed as a separate entry. For example: a motion and memorandum should be filed as stand-alone pleadings and not combined into one event.

ii. Notice of Electronic Filing

The notice of electronic filing (NEF) shall serve as confirmation of the time/date a document was filed.

iii. Payment of Fees

A party e-filing a pleading which requires payment of a fee shall submit the fee through pay.gov if allowable, or separately, to the U.S. District Court Clerk's Office in Cheyenne or Casper:

U.S. District Court Clerk
2120 Capitol Ave, Rm 2131
Cheyenne, WY 82001

U.S. District Court Clerk
111 S. Wolcott, Rm 121
Casper, WY 82601

J. Electronic Signature Options

i. /s/ Signature

A document requiring a signature must include a signature block with the filer's name, address, telephone number, e-mail address and represented party name (excluding proposed orders). On the signature line a "/s/" can be used where the signature would otherwise appear.

ii. Signature Stamp

An electronic signature stamp can be created in a word processing program and used as the filer's signature. Also, a manual signature stamp can be placed on the document, scanned and then e-filed. A signature block with the filer's name, address, telephone number, e-mail address and represented party name is also required (excluding proposed orders).

iii. No Signature

A signature line can be left blank on any e-filed document. However, a signature block with the filer's name, address, telephone number, e-mail address and represented party name is required (excluding proposed orders).

iv. Filer's Signature on Other Documents

The login and password to CM/ECF serves as the filer's electronic signature on all documents electronically filed with the Court. It also serves as the filer's electronic signature for purposes of the Federal Rules of Civil Procedure, the Local Rules of this Court, and any other purpose for which a signature is required.

v. Multiple Signatures

When a stipulation or other document (e.g., a joint motion or joint exhibit list) requires two or more signatures:

- a. the filer shall confirm that the content of the document is acceptable to all signatories by obtaining a (1) written, (2) e-mailed, or (3) facsimile authorization from counsel; and
- b. the filer shall file the document electronically using one of the signature options outlined in section I.

vi. Non-Attorney/Third-Party Signatures

If a document requires a signature other than that of the filer (e.g., an affidavit), the filer must obtain the ink signature of the signatory on the paper document. The filer shall then e-file the document using one of the signature options. By filing the document, the filer certifies that the document has been signed by all necessary parties, including affiant and notary if applicable, that the ink-signed version exists, and that the document will be available in the filer's office for inspection, if necessary.

- a. This rule includes all notarized documents.
- b. This rule includes all documents requiring the signature(s) of a non-attorney but submitted by the filer (e.g. affiant).

- c. The electronically filed document, as it is maintained on the Court's servers, shall constitute the official version of that record.
- d. Upon request by an attorney of record, a *pro se* party or the Court, the ink signature version of the document must be made available for inspection.

K. Official Files and Records

i. Official Record

The official Court record on/after June 1, 2006 shall be the electronic file maintained on the Court's servers and any documents or exhibits which have been conventionally submitted to the Clerk's Office.

ii. Filing for Purposes of Rules

Electronic transmission of a document to ECF consistent with these procedures, together with the transmission of a Notice of Electronic Filing (NEF) that the Court's system generates from the electronic submission, constitutes filing of the document for purposes of the Federal Rules of Civil and Criminal Procedure and the Local Rules of this Court, and constitutes entry of the document on the docket kept by the Clerk under Fed. R. Civ. P. 58 and 79.

iii. Filer Required to Maintain Certain Documents

Documents (a) that are electronically filed and (b) that require signatures, other than or in addition to that of the filer (e.g., affidavits), must be maintained in paper form by the filer until two years after all time periods for appeal expire and all appeals are final. At the request of the Court, the filer must provide the documents for review.

iv. Legible

Filers are required to verify that all documents are legible before the documents are filed electronically with the Court.

v. Scanning

A document shall be converted to PDF directly out of the word processing version whenever possible.

III. E-FILING IN CIVIL CASES

A. Civil Menus Available to Attorneys

See Appendix A

B. Service

A party may not serve a Complaint electronically. Service must be in accordance with Fed. R. Civ. P. 4.

C. Summonses

Summonses submitted with a new case will be issued by the Clerk's Office and returned to the filer either conventionally or via e-mail.

D. New Documents that Add or Delete Attorneys

i. Appearance

When electronically filing a notice of attorney appearance, the appearance must be filed by the attorney who is appearing in the case. It cannot be e-filed by another attorney. If the attorney filing the entry of appearance does not have an ECF account, the entry of appearance must be filed conventionally with the Clerk's Office.

ii. Withdrawal of Appearance

Withdrawal of an appearance shall be in accordance with the Court's Local Rules. Upon entry of the Order granting withdrawal, the Clerk's Office shall terminate the movant as an attorney of record in that case in CM/ECF.

iii. No Substitution of Counsel

There shall be no substitution of counsel without prior approval of the Court by written order. Withdrawal and entry shall be done in accordance with the Court's Local Rules. Existing counsel may not withdraw and new counsel may not enter an appearance by filing a substitution of counsel.

E. Leave of Court

If filing a document that requires leave of the Court (e.g., an amended complaint, sur-reply brief, etc.), the filer shall submit the proposed document as an additional attachment to the motion.

F. Proposed Orders

A proposed order shall be submitted with all nondispositive motions. The proposed order shall be submitted as an additional attachment to the motion and not contain the filer's information block in the upper left-hand corner and not be entitled "proposed."

If the proposed order does not require the filing of a motion, (e.g. Proposed Scheduling Order, Proposed Pre-Trial Order, etc.) it shall be emailed to the appropriate Judge's Chambers set forth below:

wyojudgndf@wyd.uscourts.gov - Judge Nancy D. Freudenthal

wyojudgeabj@wyd.uscourts.gov - Judge Alan B. Johnson

wyojudgesws@wyd.uscourts.gov - Judge Scott W. Skavdahl

wyojudgekhr@wyd.uscourts.gov - Magistrate Judge Kelly H. Rankin

wyojudgemlc@wyd.uscourts.gov - Magistrate Judge Mark L. Carman

Please note: All proposed orders submitted to Magistrate Judge Rankin or Magistrate Judge Carman, whether submitted with or without a motion, shall also be submitted by email in a word processing format.

G. Service

i. Certificate of Service

In compliance with Fed. R. Civ. P. 5(d)(1), a certificate of service is not required when the pleading is filed with the court's electronic-filing system. Please see Fed. R. Civ. P. 5(d)(1)(B) to see certificate of service requirements for pleadings filed by other means.

ii. Notice of Electronic Filing Constitutes Service on ECF Participant

A notice of electronic filing (NEF) is generated when a pleading or document is filed. The NEF shall constitute service of the document.

iii. Terminating and Reactivating Electronic Services

A user receiving electronic service in a case will be terminated from electronic notification when (a) an order for withdrawal for the user has been granted or (b) that the party the user represents is no longer pending in the case. Counsel may file a notice re-activating service with the Court in those situations where service has been terminated.

iv. Service on Parties Not Registered for ECF

Filers are required to serve paper copies of any electronically filed pleading, document, or proposed order on parties not registered for ECF in accordance with the Federal Rules.

v. Paper Copies

A filer who is permitted or required to file paper copies of documents shall file the original with the Clerk's Office and must also serve on all parties entitled to service or notice.

H. Issuance of Subpoenas

Registered users may e-file a *praecipe* for the issuance of subpoenas. The subpoenas shall be submitted as an additional attachment to the *praecipe* **in blank**. The Clerk's Office will issue the subpoenas and return them to the filer via e-mail.

I. Oversized Electronic Documents; Exhibits to a Pleading, Motion Brief, or Other Paper

i. Size

The size limit for each PDF file/document filed in ECF is fifty (50) megabytes. The maximum merge document size is one hundred fifty (150) megabytes.

ii. Color or Graphics

Because documents scanned in color or containing graphics take longer to upload, filers should consider scanning documents in black and white at 200 dots per inch (dpi), if the clarity of the graphics are not compromised.

iii. Conventionally Submitted Materials

A party may conventionally submit, without seeking leave of Court (a) exhibits or materials that cannot be converted to electronic form (e.g., video tape, audio tape, etc.) or (b) voluminous records of administrative agencies in proceedings to review actions of such agencies or of state court proceedings in habeas corpus cases, where such records are not available in electronic format. Conventionally submitted materials must be submitted (with the original plus one copy) in compliance with all deadlines and according to the following procedure:

a. Cover Page

Conventionally submitted materials shall be submitted with a paper cover page containing the case caption, a description of the materials submitted, and a designation of the pleading or motion to which the materials relate (e.g., "Videotape Deposition of John Doe, Exhibit 7 to Plaintiff's Motion for Summary Judgment"). The PDF version of the cover page shall be an ECF attachment to the electronically filed pleading, motion, or paper to which the materials relate.

b. Receipt of Conventionally Submitted Materials

The Clerk's office will note in ECF its receipt of the conventionally submitted materials with a text-only entry.

c. Service

The filer must serve the conventionally submitted materials on all other parties. The NEF generated by the electronic filing of the cover page and by the Court's text-only entry noting receipt of the materials shall not constitute service.

J. Trial Documents

Trial documents such as proposed jury instructions, exhibit lists, and proposed *voir dire* questions shall be electronically filed in ECF so that their filing can be part of the official record. The Court may impose additional requirements to facilitate the use of documents at trial (e.g. require that a Word version of the documents be submitted via e-mail to the appropriate Judge's chambers).

K. Docket Entries to be Made by the Filer

i. Title of Docket Entry

The filer is responsible for designating an appropriate docket entry title by using one of the docket event categories in ECF. If the filer is in doubt, he or she should contact the Clerk's Office for assistance.

ii. Correction of Docket Entry

After a document is filed in ECF, corrections to the docket can only be made by the Clerk's Office. ECF will not permit the filer to make changes to a document or docket entry after the transaction has been submitted.

iii. Compound Pleadings

Compound Pleadings are not allowed. Each pleading needs to be filed as a separate entry. For example: a motion and memorandum should be filed as stand-alone pleadings and not combined into one event.

L. Correction of Filings

i. Document Filed in Error in Correct Case

Upon discovery of an error, the filer shall immediately contact the Clerk's Office. Depending on circumstance, a document filed in error in the correct case can be handled in two ways: (1) the pleading will be marked on the docket as FILED IN ERROR and counsel will be required to refile; or (2) if the error does not change the substance of the original filing, the Clerk's Office, at their discretion, may substitute a pleading or change an event.

ii. Document Filed in Wrong Case

If a document is filed in the wrong case the filer shall immediately contact the Clerk's Office. The Clerk's office will mark the entry as FILED IN ERROR and counsel will be required to refile the document in the correct case.

M. Bill of Costs

The proposed bills of costs shall be filed electronically in ECF using the docket event "Bill of Costs". An AO 133 form and all supporting documentation must be attached.

N. Appeals in General

When a notice of appeal is e-filed, it is not necessary to provide the Court with paper copies of the notice for service on the other parties. The NEF generated by the system will constitute the copy the Clerk is required to serve under Fed. R. App. P.3(d). Please note: Any required filing fee shall be submitted separately to the Clerk's Office, or through pay.gov.

O. Bonds and Negotiable Instruments

Upon the electronic filing of a bond, except for a supersedeas bond, or the attaching of a negotiable instrument, the original shall be transmitted to the Clerk's Office with a cover page noting that this document has been filed electronically and that the original is being filed in accordance with the Electronic Case Filing Procedures for the District of Wyoming.

A supersedeas bond requires Court approval and shall be emailed to the appropriate Judge's Chambers set forth below:

wyojudgendf@wyd.uscourts.gov - Judge Nancy D. Freudenthal

wyojudgeabj@wyd.uscourts.gov - Judge Alan B. Johnson

wyojudgesws@wyd.uscourts.gov - Judge Scott W. Skavdahl

wyojudgekhr@wyd.uscourts.gov - Magistrate Judge Kelly H. Rankin

wyojudgemlc@wyd.uscourts.gov – Magistrate Judge Mark L Carman

P. Filing Restricted Documents

For Civil Cases only - pursuant to Rule 5.1(g) of the Local Rules for Civil Procedure, filing cases and documents under seal or as non-public requires prior authorization of the Court.

i. Privacy Policy

Pursuant to the Judicial Conference Policy on Privacy and Public Access and in accordance with the E-Government Act of 2002, persons shall refrain from including, or shall redact where inclusion is necessary, the following personal data identifiers from their pleadings, including exhibits thereto, unless otherwise ordered by

the Court:

Social Security Numbers. If an individual's social security number must be included, only the last 4 digits of that number should be used.

Names of Minor Children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.

Dates of Birth. If an individual's date of birth must be included, only the year of birth should be used.

Financial Account Numbers. If a financial account number is relevant, only the last 4 digits of such numbers should be used.

The responsibility for redacting these personal data identifiers rests solely with counsel and the persons filing the documents with the Court. The Clerk will not review pleadings for compliance.

ii. Non-Public Filings

A non-public event should be used when the filing contains the above-listed personal identifiers as outlined in the E-Government Act of 2002, or needs to be restricted pursuant to local rule, general order or policy of the Court).

Non-public filings are not available through PACER. All case participants will receive the notice of electronic filing (NEF), and will be able to access the filing using their CM/ECF login and password.

iii. Ex-Parte Filings

An *ex-parte* event should be used when it is necessary to limit access of a filing to either the filing party or the applicable parties selected during the docketing process. *Ex-parte* filings are used frequently in multi-defendant criminal cases when access to a filing should be restricted to a particular defendant and the USA. *Ex-parte* filings are not available through PACER. All parties will receive the NEF, but only those applicable parties designated through the docketing process can access the filing using their CM/ECF login and password.

iv. Sealed Filings

A sealed document should only be used when the nature of the filing is so private it should not be made available to anyone without the Court's prior approval. Sealed entries are entered on the docket but not viewable to anyone other than court users.

Attorneys are encouraged to thoroughly assess which restriction level best applies to their filing and to file documents as sealed only when no other restriction level is applicable.

The restriction level (non-public, *ex-parte* or sealed) should be clearly marked on the cover sheet of the filing. For Example:

John Doe	11CV000
vs	
ABC Corporation	NON-PUBLIC DOCUMENT

If you need to restrict a document that does not have a restriction level built into the event, the document will need to be filed over-the-counter in the Clerk's Office or emailed to the Clerk's Office with prior approval.

v. Documents Submitted for *In Camera* Review

A party who seeks to present a document to a Judicial Officer for *In Camera* Review, whether acting on the party's own initiative or pursuant to a Court Order, shall present the document to the Judicial Officer by mailing or hand delivering the document to the Clerk's Office or the Judicial Officer in paper.

a. Label

Any document submitted pursuant to this subsection must be clearly labeled "*For In Camera Review*".

b. Judicial Officer

A Judicial Officer who receives a document submitted for *In Camera* Review may direct the party who submits it to file the document electronically, using normal ECF procedures, or may otherwise handle and address the document as deemed most appropriate.

vi. Confidential Settlement Statements

Confidential settlement statements shall be submitted via e-mail to Magistrate Judge Rankin or Magistrate Judge Carman at:

wyojudgekhr@wyd.uscourts.gov - Magistrate Judge Kelly H Rankin

wyojudgemlc@wyd.uscourts.gov - Magistrate Judge Mark L Carman

Q. Social Security Cases

Absent a showing of good cause, all documents, notices, and orders in Social Security reviews shall be filed and noticed electronically in ECF, except as noted below.

i. Administrative Record

The administrative record will be filed and served in paper format or on a thumb drive/CD. This document shall be made available in paper format/thumb drive/CD to the Clerk's Office.

ii. Other Documents

All other documents in the case, including briefs will be filed and served electronically in ECF.

iii. Access

Pursuant to the policy of the Judicial Conference of the United States, internet access to documents filed in Social Security Cases is limited to attorneys of record and Court users. The public will have internet access to docket sheets only.

iv. Redaction

Social Security Cases must comply with all redaction procedures pursuant to the E-Government Act of 2002.

IV. E-FILING IN CRIMINAL CASES

A. Criminal Menus Available to Attorneys

See Appendix B

B. New Documents that Add or Delete Attorneys

i. Appearance

Retained counsel must file an entry of appearance. The Clerk's Office will work directly with the Federal Public Defender's Office to add CJA appointed counsel into CM/ECF.

ii. Withdrawal of Appearance

Withdrawal of an appearance shall be in accordance with the Court's Local Rules. Upon entry of the Order granting withdrawal, the Clerk's Office shall terminate the movant as an attorney of record in that case in CM/ECF.

iii. No Substitution of Counsel

There shall be no substitution of counsel without prior order of the Court. Withdrawal and entry shall be done in accordance with the Court's Local Rules. Existing counsel may not withdraw and new counsel may not enter an appearance by filing a substitution of counsel.

C. Proposed Orders

A proposed order shall be submitted with all nondispositive motions. The proposed order shall be e-filed as an additional attachment to the motion and shall not contain the filer's information block in the upper left-hand corner and not be entitled "proposed."

If a proposed order is submitted that does not require a motion, the proposed order shall be emailed to the appropriate Judge's Chambers set forth below:

wyojudgndf@wyd.uscourts.gov - Judge Nancy D. Freudenthal
wyojudgeabj@wyd.uscourts.gov - Judge Alan B. Johnson
wyojudgesws@wyd.uscourts.gov - Judge Scott W. Skavdahl
wyojudgekhr@wyd.uscourts.gov - Magistrate Judge Kelly H. Rankin
wyojudgemlc@wyd.uscourts.gov – Magistrate Judge Mark L. Carman

Please note: All proposed orders submitted to Judge Rankin or Judge Carman, whether submitted with or without a motion, shall also be submitted by email to wyojudgekhr@wyd.uscourts.gov or wyojudgemlc@wyd.uscourts.gov in a word processing format.

D. Service

i. Certificate of Service

In compliance with Fed. R. Civ. P. 5(d)(1) and Fed. R. Crim. P. 49(b), a certificate of service is not required when a pleading is filed using the Court's electronic-filing system. When a pleading is served by other means, a certificate of service must be filed with it or within a reasonable time after service of filing.

ii. Service in an Unsealed Criminal Case

When a pleading is e-filed in an **unsealed** criminal case in accordance with these procedures, CM/ECF will generate a Notice of Electronic Filing (NEF) to the filing party, to any other parties in the case, who are registered users and have requested electronic notice, and to court users. The NEF shall constitute service of the document.

iii. Service in a Sealed Criminal Case

When a pleading is e-filed in a **sealed** criminal case in accordance with these procedures, NEFs will go out but only counsel of record will be able to view the pleading with their CM/ECF login. It will be the responsibility of the filing party to conventionally serve any party on the NEF that is not receiving electronic notification.

iv. Terminating and Reactivating Electronic Services

A user receiving electronic service in a case will be terminated from electronic notification when (a) an order for withdrawal for the user has been granted or (b) that the party the user represents is no longer pending in the case. Counsel may file a notice re-activating service with the Court in those situations where service has been terminated. To notify the Clerk's Office you may send an email to: wyodcclerks@wyd.uscourts.gov.

v. Service on Parties Not Registered for ECF

Filers are required to serve copies of any electronically filed pleading, document, or proposed order on parties not registered for ECF in accordance with the Federal Rules.

vi. Paper Copies

A filer who is permitted or required to file paper copies of documents shall file the original with the Clerk's Office and must also serve on all parties entitled to service or notice.

E. Issuance of Subpoenas

Registered users may e-file a *praecipe* for the issuance of subpoenas. The subpoenas shall be submitted as an additional attachment to the *praecipe* in **blank**. The Clerk's Office will issue the subpoenas and return them to the filer via e-mail.

F. Oversized Electronic Documents; Exhibits to a Pleading, Motion Brief, or Other Paper

i. Size

The size limit for each PDF file/document filed in ECF is fifty (50) megabytes. The maximum merge document size is one hundred fifty (150) megabytes.

ii. Color or Graphics

Because documents scanned in color or containing graphics take longer to upload, filers should consider scanning documents in black and white at 200 dots per inch (dpi), if the clarity of the graphics are not compromised.

iii. Conventionally Submitted Materials

A party may conventionally submit, without seeking leave of court, (a) exhibits or materials that cannot be converted to electronic form (e.g., video tape, audio tape, etc.) or (b) voluminous records of administrative agencies in proceedings to review actions of such agencies or of state court proceedings in habeas corpus cases, where such records are not available in electronic format. Conventionally submitted materials must be submitted (with the original plus one copy) in compliance with all deadlines and according to the following procedure.

a. Cover Page

Conventionally submitted materials shall be submitted with a paper cover page containing the case caption, a description of the materials submitted, and a designation of the pleading or motion to which the materials relate (e.g., "Videotape Deposition of John Doe, Exhibit 7 to Plaintiff's Motion for Summary Judgment"). The PDF version of the cover page shall be an ECF attachment to the electronically filed pleading, motion, or paper to which the materials relate.

b. Receipt of Conventionally Submitted Materials

The Clerk's office will note in ECF its receipt of the conventionally submitted materials with a text-only entry.

c. Service

The filer must serve the conventionally submitted materials on all other parties. The NEF generated by the electronic filing of the cover page and by the Court's text-only entry noting receipt of the materials shall not constitute service.

G. Trial Documents

Trial documents such as proposed jury instructions, exhibit lists, and proposed *voir dire* questions shall be electronically filed in ECF so that their filing can be part of the official record. The Court may impose additional requirements to facilitate the use of documents at trial (e.g. require that a Word version of the documents be submitted via e-mail to the appropriate Judge's chambers).

H. Docket Entries to be Made by the Filer

i. Title of Docket Entry

The filer is responsible for designating an appropriate docket entry title by using one of the docket event categories in ECF. If the filer is in doubt, he or she should contact the Clerk's Office for assistance.

ii. Correction of Docket Entry

After a document is filed in ECF, corrections to the docket can only be made by the Clerk's Office. ECF will not permit the filer to make changes to a document or docket entry after the transaction has been submitted. .

iii. Compound Pleadings

Compound Pleadings are not allowed. Each pleading needs to be filed as a separate entry. For example: a motion and memorandum should be filed as stand-alone pleadings and not combined into one event.

I. Correction of Filings

i. Document Filed in Error in Correct Case

Upon discovery of an error, the filer shall immediately contact the Clerk's Office. Depending on circumstance, a document filed in error in the correct case can be handled in two ways: (1) the pleading will be marked on the docket as FILED IN ERROR and counsel will be required to refile; or (2) if the error does not change the substance of the original filing, the Clerk's Office, at their discretion, may substitute a pleading or change and event.

ii. Document Filed in Wrong Case

If a document is filed in the wrong case the filer shall:

Upon discovery of an error, the filer shall immediately contact the Clerk's Office. Depending on circumstance, a document filed in error in the correct case can be handled in two ways: (1) the pleading will be marked on the docket as FILED IN ERROR and counsel will be required to refile; or (2) if the error does not change the substance of the original filing, the Clerk's Office, at their discretion, may substitute a pleading or change an event.

J. Appeals in General

When a notice of appeal is e-filed, it is not necessary to provide the Court with paper copies of the notice for service on the other parties. The NEF generated by the system will constitute the copy the Clerk is required to serve under Fed.R.App.P.3(d). Please note: Any required filing fee shall be submitted separately to the Clerk's Office, or through pay.gov.

K. Bonds and Negotiable Instruments

Upon the electronic filing of a surety bond or the attaching of a negotiable instrument, the original shall be transmitted to the Clerk's office with a cover page noting that this document has been filed electronically and that the original is being filed in accordance with the Electronic Case Filing Procedures for the District of Wyoming.

L. Filing Restricted Documents

i. Privacy Policy

Pursuant to the Judicial Conference Policy on Privacy and Public Access and in accordance with the E-Government Act of 2002, persons shall refrain from including, or shall redact where inclusion is necessary, the following personal data identifiers from their pleadings, including exhibits thereto, unless otherwise ordered by the Court:

Social Security Numbers. If an individual's Social Security Number must be included, only the last 4 digits of that number should be used.

Names of Minor Children. If the involvement of a minor child must be mentioned, only the initials of that child should be used.

Dates of Birth. If an individual's date of birth must be included, only the year of birth should be used.

Financial Account Numbers. If a financial account number is relevant, only the last 4 digits of such numbers should be used.

Home Addresses. If a home address must be included, only the city and state should be listed.

The responsibility for redacting these personal data identifiers rests solely with counsel and the persons filing the documents with the Court. The Clerk will not review pleadings for compliance.

ii. Non-Public Filings

A non-public event should be used when the filing contains the above-listed personal identifiers as outlined in the E-Government Act of 2002, or needs to be restricted pursuant to local rule, general order or policy of the Court. If the District has deemed an event to always be restricted as non-public, CM/ECF will automatically place this restriction and the restriction language on the docket entry.

Non-public filings are not available through PACER. All case participants will receive the notice of electronic filing (NEF), and will be able to access the filing using their CM/ECF login and password.

iii. Ex-Parte Filings

An *ex-parte* event should be used when it is necessary to limit access of a filing to either the filing party or the applicable parties selected during the docketing process. *Ex-parte* filings are used frequently in multi-defendant criminal cases when access to a filing should be restricted to a particular defendant and the USA. *Ex-parte* filings are not available through PACER. All parties will receive the NEF, but only those applicable parties designated through the docketing process can access the filing using their CM/ECF login and password.

iv. Sealed Filings

A sealed document should only be used when the nature of the filing is so private it should not be made available to anyone without the Court's prior approval. Sealed entries are entered on the docket but not viewable to anyone other than court users.

Attorneys are encouraged to thoroughly assess which restriction level best applies to their filing and to file documents as sealed only when no other restriction level is applicable.

The restriction level (non-public, *ex-parte* or sealed) should be clearly marked on the cover sheet of the filing. For Example:

John Doe	11CR000
vs	
ABC Corporation	NON-PUBLIC DOCUMENT

If you need to restrict a document that does not have a restriction level built into the event, the document will need to be filed over-the-counter in the Clerk's Office or emailed to the Clerk's Office with prior approval.

v. Documents Submitted for *In Camera* Review

A party who seeks to present a document to a Judicial Officer for *In Camera* Review, whether acting on the party's own initiative or pursuant to a Court Order, shall present the document to the Judicial Officer by mailing or hand delivering the document to the Clerk's Office or the Judicial Officer in paper.

a. Label

Any document submitted pursuant to this subsection must be clearly labeled "*For In Camera Review*".

b. Judicial Officer

A Judicial Officer who receives a document submitted for *In Camera* Review may direct the party who submits it to file the document electronically, using normal ECF procedures, or may otherwise handle and address the document as deemed most appropriate.

APPENDIX A

CIVIL EVENTS ATTORNEY CAN ELECTRONICALLY FILE

Service of Process

Acceptance of Service

Alias Summons Returned Executed

Alias Summons Returned Unexecuted

Certificate of Service

Praecipe

Return of Subpoena

Return of Warrant of Arrest In Rem - Executed

Service by Publication

Summons Returned Executed

Summons Returned Executed - US Gov

Summons Returned Unexecuted

Waiver of Service Executed

Writ Returned

All Answers to Complaints

All Other Answers

Motions

***Filers will be prompted to restrict the following motions as non-public or *ex-parte*, if necessary**

Add Party

Alter/Amend Judgment

Amend/Correct

Appear *Pro Hac Vice*

Appoint Counsel

Appoint Guardian/Attorney ad Litem

Approve Consent Judgment

Attorney Fees
Bifurcate
Certificate of Appealability (NOA)
Certify Class
Change Venue
Compel
Consolidate Cases for Discovery
Consolidate Cases for Trial
Continue (Dispositive)
Continue (Non-Dispositive)
Default Judgment
Deposit Funds
Directed Verdict
Disbursement of Funds
Dismiss
Dismiss Case
Dismiss Party
Dismiss/Lack of Jurisdiction
Disqualify
Enforce Judgment
Enforce Settlement Agreement
Entry of Default
Expedite
Extension of Time - Dispositive
Extension of Time - Non-Dispositive
File Excess Pages - Dispositive
File Excess Pages - Non-Dispositive
File Reply/Brief/Supplement (Dispositive)
File Reply/Brief/Supplement (Non-Dispositive)
Hearing - Dispositive

Hearing -Non-Dispositive
In Camera Inspections
In Limine
Intervene
Joinder - Dispositive
Joinder – Non Dispositive
Judgment
Judgment Debtor Exam
Jury Questionnaires
Lift Stay
Motion to Vacate/Set Aside/Correct Sentence (2255)
New Trial
Order
Partial Summary Judgment
Preliminary Injunction
Proceed *In Forma Pauperis*
Proceed *In Forma Pauperis* -
Appeal Protective Order
Quash
Reconsideration
Recusal
Release Supersedeas Bond
Remand
Sanctions
Service of Process
Set Aside
Settlement Conference
Show Cause
Stay Case
Stay Discovery
Strike
Substitute Attorney
Substitute Party

Summary Judgment
Temporary Restraining Order
Transcripts
Vacate
Withdraw Document
Withdraw as Attorney
Writ of Habeas Corpus *ad Prosequendum*
Writ of Habeas Corpus *ad Testificandum*

Supporting Documents/Responses and Replies

Brief
Memorandum in Opposition
Memorandum in Opposition of Motion
Memorandum in Support
Memorandum in Support of Motion
Objection
Opposition
Proposed Findings of Fact and Conclusions of Law
Reply
Reply Brief
Reply to Response
Response
Response in Opposition to Motion
Response in Support of Motion
Response to Motion

Notices

Notice (Other)
Notice of Attorney Appearance
Notice of Change of Address
Notice of Civil Case Filing Fee Payment
Notice of Complexity
Notice of Complexity (Non)

Notice of Compliance with Court Order
Notice of Filing Admin Record
Notice of Joinder
Notice of Miscellaneous Case Filing Fee Payment
Notice of Settlement
Notice of Voluntary Dismissal
Notice to Take Deposition
Suggestion of Bankruptcy
Suggestion of Death
Withdrawal of Document

Trial Documents

Designation
Designation of Experts
Exhibit List
Exhibit/Witness List
Pretrial Memorandum
Proposed Jury Instructions
Proposed Verdict
Proposed *Voir Dire*
Supplement
Trial Brief
Witness List

Appeal Documents

Amended Notice of Appeal
Appeal of Magistrate Order
Bankruptcy Appeal - Designation
Bankruptcy Appeal - Supplemental Designation
Designation of Record on Appeal
Notice of Appeal
Notice of Cross Appeal

Transcript Request (No Transcripts Necessary) - Appeal
Transcript Request (Transcripts Already on File) - Appeal
Transcript Request (Transcripts Needed) - Appeal

Other Documents

Affidavit
Appendix
Application
Application for Writ
Bill of Costs
Corporate Disclosure
Errata
Exhibits
Joint Case Management Plan
Jury Demand
Martinez Report
Payment Entry
Report of Rule 26(f) Planning
Meeting Request for Hearing
Response to Order to Show Cause
Satisfaction of Judgment
State Court Docket Sheet
Statement
Status Report
Stipulation
Stipulation of Dismissal
Stipulation of Facts
Supplement
Transmittal of State Court Record

APPENDIX B

CRIMINAL EVENTS ATTORNEY CAN ELECTRONICALLY FILE

Pleas and Plea-Related Documents

Elements of the Crime/Prosecutors Statement

Prosecutors Statement

Statement of the Elements

Motions

***Filers will be prompted to restrict the following motions as non-public or *ex-parte*, if necessary**

Additional Motions

Amend/Correct

Appear *Pro Hac Vice*

Appoint Counsel

Appoint Counsel – USSC Amendment

Arraignment

Bill of Particulars

Bond/Review of Detention

Brady Materials

Change Venue

Compel

Compassionate Release

Compassionate Release pursuant to Section 603(b)

Continue

Costs

Departure

Detention Hearing

Directed Verdict

Disclosure

Discovery

Dismiss

Dismiss/Speedy Trial
Disqualify
Early Termination of Supervision
Exclude
Expedite
Expert Services
Extend
Forfeiture
Grand Jury Transcripts
Hearing
In Limine
Initial Appearance
Inspect
Issuance of Subpoenas
Issuance of Warrant
James Hearing
Join
Judgment of Acquittal
Jury Questionnaires
Medical/Mental/Competency(BOP)
Medical/Mental Treatment
Modify
Modify Conditions of Release
New Trial
Order
Proceed *In Forma Pauperis* - Appeal
Produce
Proposed Initial Litigation Budget
Protective Order
Quash
Reconsideration

Recusal
Reduce Sentence
Reduce Sentence – USSC Amendment
Reduce Sentence re Crack Cocaine Offense - 18:3582
Release of Funds
Return of Property
Revoke
Sanctions
Seal Case
Seal Document
Seal Transcript
Separate Trial on Counts
Set Aside Judgment
Sever Defendant
Show Cause
Strike
Substitute Attorney
Suppress
Transcripts
Transportation/Subsistence
Unseal Case
Unseal Document
Vacate
Vacate (2255)
Withdraw Attorney
Withdraw Document
Withdraw Plea of Guilty
Withdraw Warrant
Writ of Habeas Corpus *ad Prosequendum*
Writ of Habeas Corpus *ad Testificandum*

Responses & Replies

Affidavit in Support of Motion

Memorandum in Opposition

Memorandum in Support

Memorandum/Brief

Objection(s)

Objections/Responses to Presentence Investigation Report

Reply

Response

Response - Ex Parte

Response to Motion

Supplement

Waivers

Waiver of Counsel

Waiver of Preliminary Examination or Hearing

Waiver of Rule 5 Hearings

Service of Process

Certificate of Service

Praecipe for Subpoenas

Praecipe for Summons

Subpoena(s) Returned Executed

Subpoena(s) Returned Unexecuted

Notices

Notice (Other)

Notice Seeking Enhanced Penalties

Notice of Attorney Appearance - Defendant

Notice of Attorney Appearance – USA

Notice of Attorney Appearance, Entry of Not Guilty Plea, Waiver, etc

Notice of Attorney Intent to Withdraw

Notice of Intent - Expert Testimony

Notice to Exceed Compensation – Ex Parte

Trial Documents

Exhibit List

Pretrial Memorandum

Proposed Jury Instructions - Cited

Proposed Jury Instructions - Uncited

Proposed Verdict Form

Propose *Voir Dire*

Stipulation to Jury

Witness List

Appeal Documents

Amended Designation of Record on Appeal

Designation of Record on Appeal

Notice of Appeal

Notice of Appeal in Magistrate Case

Notice of Interlocutory Appeal

Transcript Request (No Transcripts Necessary) - Appeal

Transcript Request (Transcripts Already on File) - Appeal

Transcript Request (Transcripts Needed) - Appeal

Other Documents

***Filers will be prompted to restrict the following motions as non-public or *ex-parte*, if necessary**

Affidavit

Information to Establish Prior Conviction

Joint Case Management Plan

Letter(s)

Objections to Presentence Investigation Report

Presentence Report Supporting Documents and Letters

Satisfaction of Judgment

Sentencing Memorandum

Statement of Language Translator

Statement of Rights Status Report

Status Report

Stipulation