

Version

5.x

Effective

December 1, 2011

UNITED STATES DISTRICT COURT - DISTRICT OF COLORADO

Electronic Case Files

ELECTRONIC CASE FILING PROCEDURES

(CRIMINAL CASES)
(CHANGES NOTED IN RED)

**ELECTRONIC CASE FILING PROCEDURES FOR THE DISTRICT OF COLORADO
(CIVIL CASES)
Effective December 1, 2011**

TABLE OF CONTENTS

<u>ECF RULE</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
	I. ELECTRONIC CASE FILING SYSTEM	
1.1	General	<u>5</u>
1.2	Exceptions	<u>5</u>
1.3	Official Files and Records	<u>6</u>
1.4	System Availability	<u>7</u>
	II. APPLICATION FOR ATTORNEY TO FILE IN PAPER FORMAT	
2.1	Permission Required	<u>7</u>
2.2	Application	<u>7</u>
	III. REGISTRATION FOR PACER AND ECF	
3.1	Pacer Registration Required for ECF	<u>7</u>
3.2	Court Registration Required for ECF	<u>8</u>
	IV. LOGIN AND PASSWORD	
4.1	Change of Password	<u>8</u>
4.2	Restrictions on Use	<u>8</u>
4.3	Responsibility and Sanctions	<u>9</u>
4.4	Security of Password	<u>9</u>
4.5	Change of E-Mail Address	<u>9</u>
	V. ELECTRONIC FILING AND SERVICE OF DOCUMENTS	
5.1	In General	<u>9</u>
5.2	Time of Filing Documents in ECF	<u>9</u>
5.3	Signatures	<u>10</u>
5.4	New Cases	<u>12</u>
5.5	Documents that Add or Delete Attorneys	<u>14</u>
5.6	Motions Practice	<u>14</u>
5.7	Service	<u>15</u>

<u>ECF RULE</u>	<u>DESCRIPTION</u>	<u>PAGE</u>
5.8	Oversized Electronic Documents; Exhibits to a Pleading, Motion, Brief, or Other Paper	<u>16</u>
5.9	Trial Documents	<u>19</u>
5.10	Docket Entries To Be Made By Filer	<u>19</u>
5.11	Correction of Filings	<u>20</u>
5.12	Proposed Orders	<u>20</u>
5.13	Notice of Court Orders and Judgments	<u>21</u>
5.14	Entry on Docket by Clerk	<u>21</u>
5.15	Appeals in General	<u>22</u>
VI. PUBLIC ACCESS TO DOCUMENTS AND PROCEEDINGS		
6.1	Filing of Cases and Documents Under Restriction	<u>22</u>
6.2	CJA Submissions	<u>25</u>
6.3	Documents Submitted for In Camera Review	<u>26</u>
6.4	Grand Jury Matters	<u>26</u>
6.5	Juvenile Matters	<u>26</u>
6.6	Document Unavailable for Public Review	<u>26</u>
VII. POST-JUDGMENT PROCESS		
VIII. HYPERLINKS		
8.1	Types of Hyperlinks	<u>26</u>
8.2	Standard Citation Format Required	<u>26</u>
8.3	Limitation	<u>27</u>
8.4	Disclaimer	<u>27</u>
IX. PRIVACY POLICY		
X. PUBLIC ACCESS TO ECF		
10.1	Access at the Clerk's Office	<u>27</u>
10.2	Paper Copies and Certified Copies	<u>27</u>
10.3	Internet Access	<u>27</u>

XI. APPENDICES AND ATTACHMENTS

APPENDICES

Appendix A Judicial Officer E-Mail Addresses 28

ATTACHMENTS

ECF Form 1 Application of Attorney to File Documents in Paper29
ECF Form 2 Sample Formats - Certificate of Service (CM/ECF) 30

ELECTRONIC CASE FILING PROCEDURES FOR THE DISTRICT OF COLORADO (CRIMINAL CASES)

Effective **December 1, 2011**

I. ELECTRONIC CASE FILING SYSTEM

- 1.1 In General.** Unless otherwise permitted by these administrative procedures, by local rules, or by a general order of the court, all documents filed in criminal cases, shall be filed electronically in a portable document format (PDF) using the Electronic Case Filing System (ECF) connected through the court's web site at <http://www.cod.uscourts.gov>.
- 1.2 Exceptions.**
- A. **Materials That Cannot Be Converted to Electronic Form.** Materials that cannot be converted to electronic form (e.g., videotape, audiotape, etc.) may be filed by delivering them directly to the clerk's office and following Section 5.8(F) of these procedures. For brevity, these procedures sometimes refer to these materials as "conventionally submitted materials."
 - B. **Charging Documents.** Complaints, informations, indictments, and superseding or amended versions of the same required to be filed as charging documents are governed by Section 5.4 of these procedures.
 - C. **Documents for Issuance.** Documents requiring issuance by the court (e.g., search warrants, wiretaps, pen registers, etc.), except as otherwise covered by Section 5.4, should be delivered conventionally to the clerk's office or judicial officer as appropriate.
 - D. **Plea Agreements.** A plea agreement shall be submitted to the judicial officer for review at least 48 hours prior to the hearing pursuant to D.C.COLO.LCrR 11.1 using the process described in Section 5.12 of these procedures.
 - E. **Restricted Cases.** Cases commenced under **restriction** pursuant to statute or **restricted** pursuant to order in accordance with the local rules of this court shall be filed in accordance with Section VI.

- F. **Restricted Documents, Restricted Submissions, Documents for In Camera Review, Grand Jury Matters, and Juvenile Matters.** Such documents shall be filed in accordance with Section VI.
- G. **Prisoner and Non-Prisoner Pro Se.** Prisoner and non-prisoner *pro se* parties may not use ECF for criminal case filings and must file their documents in paper. Their documents will be scanned and uploaded into ECF by court staff.
- H. **Application for Attorney to File in Paper.** An attorney may apply for permission to file documents in paper by following Section II. of these procedures.

1.3 Official Files and Records.

- A. **Files.** The clerk's office will not maintain a paper court file in any criminal case commenced after December 5, 2005, except as otherwise provided in these procedures.
- B. **Official Record.** The official court record from December 5, 2005, forward shall be the electronic file maintained on the court's servers and any documents or exhibits which these procedures allow to be filed by delivery to the clerk's office and are not scanned and posted to ECF.
- C. **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 Criminal Procedure and the local rules of this court, and constitutes entry of the document on the docket kept by the clerk.
- D. **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 have expired, all appeals are final, or the completion of the sentences of all defendants, whichever is later. At the request of the court, the filer must provide the documents for review.

- E. **Legible.** Filers are required to verify that all documents are legible before the documents are filed electronically with the court.
- F. **Scanning.** Filers shall only scan documents unavailable in an electronic format. Documents shall be converted to PDF directly from the software application in which they were created (e.g., Word, WordPerfect, Excel). ***Documents converted electronically shall be text-searchable.***

1.4 System Availability.

- A. **Schedule.** ECF will be available 24 hours a day, seven days a week. If maintenance or repairs require a period of downtime, advance notice will be provided on the court's web site.
- B. **ECF Help Desk.** The ECF help desk is supported **Monday through Friday** between the hours of 8:00 a.m. and 5:00 p.m. Mountain Time. The help desk may be contacted by:
 - 1. telephone at 303-335-2050 or 1-866-365-6381; or
 - 2. electronic mail (e-mail) at cod_cmecf@cod.uscourts.gov.

II. APPLICATION FOR ATTORNEY TO FILE IN PAPER FORMAT

- 2.1 **Permission Required.** In exceptional circumstances, an attorney may apply to a judicial officer designated by the Chief Judge for permission to file documents in paper format.
- 2.2 **Application.** An application for leave to file in paper format is available on the court's web site at <http://www.cod.uscourts.gov> or from the clerk's office. Applications shall be filed in paper with the clerk. See ECF Form 1.

III. REGISTRATION FOR PACER AND ECF

- 3.1 **PACER Registration Required for ECF.** Documents already on the court's servers are accessed through the Public Access to Court Electronic Records ("PACER") Service Center. The Notice of Electronic Filing generated by each transmission of a document to ECF permits the filer and each recipient, without charge, to view, print, and/or download the document filed. Any subsequent use of ECF to review documents requires a PACER login, in addition to the ECF login and password issued

by the court. To register for PACER, a user must complete the online form or submit in paper a registration form available on the PACER web site (<http://pacer.psc.uscourts.gov>).

3.2 Court Registration Required for ECF.

- A. **Attorney Admitted to Practice in This Court** (See D.C.COLO.LCrimR 57.5 A). An attorney who is a member in good standing of the bar of this court shall register as a participant in ECF by completing the ECF Attorney Registration process on the court's web site. After the registration is approved by the court, the clerk's office will send the attorney's ECF login to the attorney's e-mail account. ***The ECF account is the possession of the attorney, not the firm, and responsibility for maintenance is the attorney's.***

Attorneys registered for ECF and representing themselves *pro se* shall use ECF to file documents unless authorized to file conventionally under Section II of these procedures.

- D. **Consent to Electronic Service.** Registration as a participant in ECF shall constitute consent to electronic service of all documents in accordance with the Federal Rules of Criminal Procedure.

ECF participants shall verify that any security filtering software on the user's electronic mail system will not inhibit service from the court.

- C. **Revocation of ECF Registration and Access.** The court may for good cause revoke the ECF registration of an attorney.

IV. LOGIN AND PASSWORD

- 4.1 **Change of Password.** After registering, an attorney may change his or her ECF password. Directions on how to do so may be found in the ECF User's Manual on the court's web site at <http://www.cod.uscourts.gov>.
- 4.2 **Restrictions on Use.** No attorney shall permit or cause to permit his or her login and password to be used by anyone other than a person whom the attorney has authorized to file in the attorney's name.

- 4.3 Responsibility and Sanctions.** An attorney is responsible for all documents filed using his or her login and password.
- 4.4 Security of Password.** If an attorney believes that the security of an existing password has been compromised or that an ECF account has been misused, the attorney must change his or her password and contact the ECF help desk immediately.
- 4.5 Change of E-Mail Address.** An attorney whose e-mail address changes, shall, within five days, (1) change the e-mail address in the account maintenance link in ECF and (2) file a notice of change of e-mail address.

V. ELECTRONIC FILING AND SERVICE OF DOCUMENTS

5.1 In General.

- A. **Filing in ECF.** All motions, pleadings, papers, applications, briefs, memoranda of law, or other documents shall be electronically filed in ECF, except as otherwise provided by these procedures. Except as otherwise provided with respect to initiating documents (see Section 5.4 of these procedures), e-mailing a document to the clerk's office or to a judicial officer does not constitute filing the document.
- B. **Notice of Electronic Filing Required.** The notice of electronic filing will note when a pleading or paper was received in ECF.
- C. **Fees Payable to Clerk.** Any fee required for filing a pleading or paper is payable to the Clerk, U.S. District Court by check, money order, credit card, or cash. The clerk's office will document the receipt of fees in ECF. See Section 5.4(B)(3) for payment instructions.

5.2 Time of Filing Documents in ECF.

- A. **Document Deemed Timely.** A document will be deemed timely filed in ECF if it is filed prior to midnight (Mountain Time) on its due date unless a specific time is designated by a judicial officer in an order.
- B. **ECF Technical Failure.** The clerk's office may deem the ECF site

subject to a technical failure on a given day if the site is unable to accept filings. In the event of a technical failure, notice thereof will be posted on the court's web site, and documents due that day shall be due the next business day.

- C. **Filer's Technical Difficulty.** A filer who cannot file a pleading or document due on a given date in ECF because of a technical difficulty not covered in Section 5.2(B) above must file as soon as practicable a motion for extension of time to file the pleading or document.

5.3 Signatures.

- A. **"s/ signature."** Every pleading, written motion, and other paper to be filed electronically and requiring a signature must include a signature block with the filer's name preceded by an "s/" or "/s/" and typed in the space where the signature would otherwise appear.
- B. **Filer's Signature on Case-Initiating Documents.** Because the rules concerning case-initiating documents do not require use of a login and password, the "s/ signature" serves as the filer's signature on all such documents filed with the court. It also serves as the filer's signature for purposes of the Federal Rules of Criminal Procedure, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court.
- C. **Filer's Signature on Documents.** The login, password, and the "s/ signature" serve as the filer's signature on all documents, other than case-initiating documents, electronically filed with the court. They also serve as the filer's signature for purposes of the Federal Rules of Criminal Procedure, the local rules of this court, and any other purpose for which a signature is required in connection with proceedings before the court. The "s/signature" must match the filer name on the account for which the login and password are registered.
- D. **Signature Block.** The correct format for a signature block is as follows:

s/ Pat Attorney
Pat Attorney
ABC Law Firm
123 South Street
Denver, CO 80202-1234
Telephone: (303) 555-5555
FAX: (303) 555-5554
E-mail: patattorney@xyz.com
Attorney for (Plaintiff/Defendant) XYZ Company

- E. **Multiple Signatures.** When a stipulation or other document (e.g., a joint motion or joint exhibit list) requires two or more signatures:
1. the filer shall confirm that the content of the document is acceptable to all signatories by obtaining their ink signatures or electronic signature (by e-mail or facsimile) authorization from counsel; and
 2. the filer shall file the document electronically using the “s/ signature” for each signatory.
- F. **Non-Attorney/Third Party Signatures.** If a document requires a signature other than that of the filer (e.g., an affidavit or declaration), the filer must obtain the ink signature of the signatory and the notary if applicable on the paper document. The filer shall then cause the “s/ signature” of the signatory and the notary if applicable to be placed on the electronic word processing version of the document. After obtaining the ink signature(s) on paper and affixing the “s/ signature(s)” to the word processing version, the filer shall cause the word processing version to be converted to PDF and posted to ECF. Scanning the document and posting the scanned result to ECF should be avoided. By filing the document, the filer certifies that the document has been signed by all necessary people, including affiant or declarant and notary if applicable, that the ink-signed version exists, and that the document will be available in the filer’s office for inspection.
1. This rule includes all notarized documents.
 2. This rule includes all documents requiring the signature(s) of a non-attorney, but submitted by a filer (e.g. affiant or declarant).

3. The electronically filed document as it is maintained on the court's servers shall constitute the official version of that record.
4. 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.
5. Charging documents submitted conventionally shall be maintained by the clerk's office.

5.4 New Cases.

- A **Initiating Documents From ECF Registrants.** Charging documents (e.g., informations, indictments, superseding indictments, etc.), and information sheets shall be submitted both conventionally and by e-mail in PDF format. Initiating documents outside of charging documents shall be submitted by e-mail in PDF format. The clerk's office will post these materials to ECF.
1. The ink signature version of the charging document shall be presented to a judicial officer or where required to the clerk's office.
 2. Where appropriate, the electronic signature version of the charging document shall contain the statement "Ink signature on file in the clerk's office" in the signature space of the grand jury foreperson or deputy foreperson.
- B. **Submitting Initiating Documents by E-mail.**
1. **E-mail Address.** The e-mail address for submitting initiating documents is crnewcases@cod.uscourts.gov. Except as otherwise stated in these procedures, only initiating documents may be sent to this e-mail address.
 2. **Subject Line.** In the subject line of the new cases e-mail, indicate the type of document being submitted and the short case title (indictment - *USA v. Smith*) in the subject line.
 3. **Filing Fee.** Where appropriate, a filing fee shall be submitted. In the e-mail, indicate whether the filing party is:

- a. paying the filing fee by cash, check, or money order separately delivered to the clerk's office and, in the case of a check or money order, made payable to "Clerk, U.S. District Court," including the short case title typed or written directly on the memo line of the check or money order;
 - b. paying the filing fee by a credit card on file with the clerk's office;
 - c. paying the filing fee by a credit card not on file with the clerk's office, in which case the filing party will provide, in the e-mail or separately, the type of credit card (e.g., Visa, MasterCard, Discover Card), the name, address and telephone number of the cardholder, the card number and date of expiration; or
 - d. requesting waiver of the filing fee, in which case the initiating party will separately attach to the e-mail a PDF version of the application to proceed pursuant to 28 U.S.C. § 1915.
- C. **Superseding or Amended Charging Documents.** Charging documents to be filed in pending cases must be submitted by following the procedures described in Section 5.4.
- D. **Warrants.** Warrants may be submitted conventionally or received via the new cases e-mail address (see Section 5.4) and will be issued by the clerk and returned to the filer conventionally or by reply e-mail.
- E. **Summonses.** Summonses may be submitted conventionally or received via the new cases e-mail address (see Section 5.4) and will be issued by the clerk and returned to the filer conventionally or by reply e-mail.
- F. **State Court Removals.** Copies of state court pleadings in proceedings removed from state court must also be provided in PDF and included with the filing of the initiating documents.

- G. **Criminal Miscellaneous Cases.** Unless otherwise covered in these procedures, case initiating documents in criminal miscellaneous cases must be submitted by following the procedures described in Section 5.4.

5.5 Documents that Add or Delete Attorneys.

- A. **Appearance.** ECF only recognizes an appearance of an attorney or party who (1) signs a pleading/paper, (2) files an entry of appearance in ECF, or (3) is appointed by the court. Attorneys will not receive any Notices of Electronic Filing, unless the attorney also signs a pleading/paper, files an entry of appearance, or is appointed by the court.
- B. **Withdrawal of Appearance.** Withdrawal of an appearance shall be in accordance with D.C.COLO.LCrimR 57.5 D. Upon entry of the order granting withdrawal, the clerk shall terminate the movant as an attorney of record in that case in ECF.
- C. **Substitution of Counsel.** Withdrawal and entry shall be done in accordance with the court's local rules and as stated above. Existing counsel may not withdraw and new counsel may not enter an appearance by filing a substitution of counsel.
- D. **Revocation or Modification of Probation or Supervised Release Proceedings.** In a situation regarding revocation or modification of probation or supervised release, where appropriate retained counsel shall promptly enter an appearance in the case. Where counsel is not retained and appointment of counsel is necessary it shall be done by court order and/or appointment under the Criminal Justice Act.

5.6 Motions Practice.

- A. **Motion Needing Immediate Attention.** When a motion requiring immediate attention has been presented, the filer shall call the clerk's office at 303-844-2115 to notify the court of such filing.
- B. **Leave of the Court.** If filing a document requires leave of the court (e.g., surreply brief, etc.), the filer shall post the proposed document as an ECF attachment to the motion. (See Section 5.8 of these procedures concerning filing of attachments.)

5.7 Service.

- A. **Certificate of Service Required.** A certificate of service shall be made part of the pleading in ECF. A certificate of service shall list all parties entitled to service or notice, and the manner in which service or notice was accomplished on each party. Sample language for a certificate of service is attached to these procedures as ECF Form 2.
- B. **Notice of Electronic Filing Constitutes Service on ECF Participant.** When a pleading or document is filed in ECF, ECF will generate a Notice of Electronic Filing. If a recipient is a registered participant in ECF, the ECF-generated Notice of Electronic Filing shall constitute service of the document.
- C. **Terminating and Reactivating Electronic Service.** A user receiving electronic service in a case may notify the court that service should be terminated by filing a notice stating either (1) that an order for withdrawal for the user has been granted or (2) 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, but not representation, has been terminated.
- D. **Undeliverable Electronic Service.** Service on ECF participants, as required by Section 5.7(B), is considered to occur upon the successful delivery of the Notice of Electronic Filing (NEF) to the primary e-mail address in a participant's Electronic Case Filing account (ECF) account. Service upon the secondary e-mail address(es) in an ECF participant's ECF account is considered courtesy notification.

If a Notice of Electronic Filing is returned as undeliverable to the Court for the primary e-mail address of the participant, the Clerk's office will attempt to contact the participant to determine the cause for the returned notice. If the primary e-mail address has changed or delivery was impacted by an external issue (i.e., spam filtering, recipient's mail server problem, e-mail capacity was exceeded, etc.), the Clerk's office will work with the participant to change the e-mail address and/or resend any undeliverable Notices of Electronic Filing. If the participant cannot be reached, the Clerk's office will contact co-counsel, follow procedures approved by the

clerk and/or contact the chambers of the judicial officer assigned to the case, to find an appropriate way to resolve the notification issue or turn off their notification.

If a Notice of Electronic Filing is returned as undeliverable to the Court for any secondary e-mail address(es) in a participant's ECF account, those secondary e-mail address(es) will, in most instances, be automatically configured to no longer allow that e-mail address(es) to receive notices. The participant will not be contacted by the Clerk's office.

- E. **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 according to the Federal Rules of Criminal Procedure.¹ When serving paper copies of documents that have been electronically filed, the filer shall include a copy of the Notice of Electronic Filing to provide the recipient with proof of the filing.
- F. **Three-Day Rule.** The three-day rule in Fed.R.Crim.P. 45(c) for service by mail shall apply to service by electronic means.
- G. **Paper Copies.** A filer who is permitted or required to file paper copies of documents shall file with the clerk's office the original, or file by facsimile in accordance with the local rules, and must also serve paper copies on all parties entitled to service or notice.

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

- A. **Size.** The size limit for each PDF file/document filed in ECF shall be posted in the "Court Information" section on the opening page of the CM/ECF website. For the purpose of this procedure, each electronically filed pleading, motion, brief, or other paper, and each exhibit to the pleading, motion, brief, or paper (whether the exhibit is denominated by the filer as an exhibit, attachment, appendix, or otherwise) is a separate PDF file/document. Filing these files/documents in ECF requires use of ECF's attachment feature.

¹ A filer may check ECF to see if a party is registered to receive e-mail noticing before posting a filing in ECF. This can be accomplished by clicking on the Utilities menu choice. Under the miscellaneous heading, click on the Mailings link. Click on the Mailing Info for a Case link, enter the case number and click on the Submit button. If more than one case matches the case number, a case verification window may appear. The Electronic Mail Notice List and Manual Notice List appears.

- B. **Oversized Documents To Be Broken Into Separate Parts.** Any PDF file/document which exceeds the size limit shall be separated into electronic files under the size limit, and each file must then be filed in ECF.
1. **Oversized Pleading, Motion, Brief, or Other Paper.** If the oversized document is the pleading, motion, brief, or other paper being filed, the electronic PDF file containing the first part of the pleading, motion, brief, or other paper will be submitted as the main document (e.g., Brief in Support of Motion to Suppress), and the electronic PDF file(s) containing the remaining part(s) of the pleading, motion, brief, or paper will each be submitted as a separate ECF attachment(s) to the main document. The filer must label each part clearly when attaching it in ECF.
 2. **Oversized Exhibits to an Electronically-Filed Pleading, Motion, Brief, or Paper.** If the oversized document is an exhibit to the pleading, motion, brief, or other paper being filed, the electronic PDF files containing the parts of the exhibit will be submitted as separate, successive ECF attachments to the main document. The filer must label each part clearly when attaching it in ECF.
- C. **Exhibits to an Electronically Filed Pleading, Motion, Brief, or Paper.** Each exhibit referenced in a pleading, motion, brief or other electronic filing (whether the exhibit is denominated by the filer as an exhibit, attachment, appendix, or otherwise) shall be submitted to ECF as a separate ECF attachment to the main document, regardless of the size of the file containing the exhibit. The filer must label each exhibit clearly by using the “category” and “description” boxes, either together or separately, when attaching it in ECF. The label should accurately reflect the title of the document.
- D. **Sample(s).** If the filer follows these procedures and the menus in ECF, the docket entry for an oversized document or for a pleading, motion, or brief with exhibits will appear as follows (hyperlinks bolded and underscored):

Sample Docket Entry:

01/21/2005	185	MOTION to Suppress Statements filed by Defendant John Doe Pages 1-50. (Attachments: # 1 Continuation of Main Document Motion to Suppress Statements Pages 51-70 # 2 Affidavit of John Smith # 3 Deposition Excerpts Jane Doe's Deposition # 4 Exhibit A Log Pages 1-15 # 5 Exhibit A Log Pages 16-24 # 6 Conventionally submitted Videotape Deposition of John Doe)(gms,) (Entered: 01/21/2005)
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Sample of the screen viewed when the hyperlink to sample document #185 is clicked:

Document Selection Menu			
Select the document you wish to view.			
Document Number: 185	50 pages	2.5 mb	
Attachment	Description		
1	Continuation of Main Document Motion to Suppress Statements Pages 51-70	19 pages	1.2 mb
2	Affidavit of John Smith	2 pages	0.5 mb
3	Deposition Excerpts Jane Doe's Deposition	3 pages	0.7 mb
4	Exhibit A Log Pages 1-15	15 pages	3.4 mb
5	Exhibit A Log Pages 16-24	9 pages	3.1 mb
6	Conventionally submitted Videotape Deposition of John Doe	1 page	0.2 mb
View All or Download All		99 pages	11.2 mb

- E. **Color or Graphics.** Because documents scanned in color or containing graphics take longer to upload, filers must configure scanners to scan documents not in color at 200 dots per inch (dpi).
- F. **Conventionally Submitted Materials.** A party may conventionally submit, without seeking leave of court, (1) exhibits or materials that cannot be converted to electronic form (e.g., video tape, audio tape, etc.) or (2) documents to be filed with the court, but not originating with an ECF filer (e.g., United States Marshal, a Pretrial or Probation officer, etc.). Conventionally submitted materials generated by ECF filers must be submitted according to the following procedure.

1. **Cover Page.** Conventionally submitted materials shall be submitted with a paper cover page containing the case caption, a description of the materials, and a designation of the pleading or motion to which the materials relate (e.g., "Videotape Deposition of John Doe, Exhibit 7 to Defendant's Motion to Suppress Statements"). *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. (See samples above.) A paper copy of the Notice of Electronic Filing of the ECF attachment shall also be submitted to the clerk's office with the materials.*
2. **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.
3. **Service.** The filer must serve the conventionally submitted materials on all other parties. The Notices of Electronic Filing 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.

5.9 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. A judicial officer also may impose additional requirements to facilitate use of the documents at trial (e.g., require paper or require that a Word Perfect or Word version of the documents be submitted on disk or CD or sent to the chambers e-mail address listed in Appendix A). Any additional requirements may be found by reviewing the judicial officers' procedures on the court's web site, <http://www.cod.uscourts.gov>. All versions of trial documents, including proposed jury instructions, submitted electronically to the judicial officer pursuant to this section must be in Word or WordPerfect format.

5.10 Docket Entries To Be Made by Filer.

- A. **Title of Docket Entry.** The filer is responsible for designating an appropriate docket entry title by using one of the docket event categories prescribed by the court. If the filer is in doubt, he or she should contact the ECF help desk for assistance.
- B. **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.

5.11 Correction of Filings.

- A. **Documents Filed in Error in Correct Case.** A document filed in error in the correct case (e.g., wrong version of the document attached, wrong event code, etc.) shall remain a part of the record as filed. Upon discovery of an error, the filer shall immediately post the correct document in the case in ECF, and modify the title of the pleading as appropriate (e.g., Amended).
- B. **Document Filed in Wrong Case.** If a document is filed in the wrong case the filer shall:
1. call the **Criminal Case Administrator (303/844-2115)**, and
 2. file the document in the correct case.

5.12 Proposed Orders.

- A. **How to Submit to ECF.**
1. A proposed order shall be submitted electronically to ECF as an ECF attachment to the motion requesting the relief to be ordered.
 - a. The proposed order shall only be submitted when required by the local rules or the judicial officer procedures of the presiding judge.
 - b. If the proposed order is not attached when required, contact the ECF help desk.
 2. If the proposed order does not require the filing of a motion, (e.g. Proposed Scheduling Order, etc.) it shall be submitted electronically as a separate ECF filing.
- B. **Additional Submission to Judicial Officer.** Because the electronically-filed PDF document submitted to ECF cannot be changed by a judicial officer, the filer, after filing the proposed order in ECF, shall also submit the proposed order as follows:
1. **Word Processing Format.** A proposed order must be submitted in a Word Perfect or Word format. Judicial officers will not accept proposed orders in PDF format.

2. **E-Mail Transmission to Judicial Officer.** A proposed order shall be sent via e-mail to the chambers of the assigned district judge and magistrate judge. A proposed order shall be sent as an attachment to the e-mail. The subject line of the e-mail shall contain the case number, short title, the words "Proposed Order," and the docket number of the motion to which the proposed order relates (e.g., *USA v. Smith*, case number, Proposed Order re Docket Entry #85).
3. **E-Mail Addresses of Chambers.** Only proposed orders and any other documents specified by a judicial officer should be submitted via e-mail pursuant to this section. Any other submission will be considered to be ex parte and will not be reviewed. The chambers' e-mail addresses may be found in Appendix A.
4. **Signed Orders.** The clerk shall enter all signed orders on the docket in ECF.

5.13 Notice of Court Orders and Judgments. Immediately upon the entry of an order or judgment on the docket in ECF, the clerk will transmit a Notice of Electronic Filing which constitutes the notice required under Fed.R.Crim.P. 32 and 49. The clerk shall give notice in paper form to a person who has not consented to electronic service in accordance with the Federal Rules of Criminal Procedure.

5.14 Entry on Docket by Clerk.

- A. **Fed.R.Crim.P. 32, 49, and 55.** All orders, decrees, judgments, and proceedings of the court filed in ECF shall constitute entry on the docket kept by the clerk under Fed.R.Crim.P. 32, 49, and 55.
- B. **Same Force and Effect.** Any order or other court-issued document filed electronically without the manual signature of a judicial officer or clerk has the same force and effect as if the judicial officer or clerk had signed a paper copy of the order and it had been entered on the docket in a conventional manner.
- C. **"Text Only Order" Docket Entry.** An order may be issued as a "text only order" entry on the docket, without an attached document. Such orders are official and binding. A judicial officer or the Clerk's office, if appropriate, may issue routine orders or notices by a "text only" docket entry for which ECF will generate a Notice of Electronic Filing and e-mail notification to parties in ECF. In such

cases, no PDF document will be attached. The “text only order” will constitute the court’s only documentation on the matter. Copies of a Notice of Electronic Filing for the “text only” docket entry will be sent in paper format to those not using ECF.

5.15 Appeals in General. When a notice of appeal is filed in ECF, it is not necessary to provide the court with paper copies of the notice for service on the other parties. The Notice of Electronic Filing generated by the system will constitute the copy the clerk is required to serve under Fed. R. App. P. 3(d). See Section 5.4(B)(3). regarding filing fees.

VI. PUBLIC ACCESS TO DOCUMENTS AND PROCEEDINGS

6.1 Filing of Cases and Documents Under Restriction.

A. Restricted Cases.

- 1. Commencing an Action.** When commencing an action either under **restriction** pursuant to statute or by filing a motion to **restrict** it shall be done in accordance with Section 5.4. of these procedures. **A motion to restrict shall accompany the charging document at the time of filing or upon return by the Grand Jury.**
- 2. Appearance in Case.** After commencement of an action, an attorney or *pro se* party entering their appearance must file the initial document **electronically.**
- 3. Filing Electronically.** Once commenced, except for the parties’ initial filing, all subsequent documents shall be filed using ECF.
- 4. Service of Documents.** Parties **should** not use the court’s electronic notice facilities to serve documents in **restricted** cases. An NEF will not be sent on documents filed in **restricted** cases. Service should be made in accordance with the Federal Rules of Criminal Procedure and a certificate of mailing must be attached to the filed document.
- 5. Viewing Restricted Cases.** Parties to the case and the court may view docket entries and documents in **restricted** cases.

B. Document Restriction Level 1 (access limited to case participants and the court).

- 1. Filing Restricted Documents.** Any document ordered to be filed under **restriction** or a document where the filing party is contemporaneously filing a motion to **restrict** the document shall be filed using ECF.

The document should be filed using the docket event “Restricted Document level” (i.e., Level 1 = access limited to case participants and the court).

- 2. Service of Documents.** An NEF will be sent on documents filed and **access to the document is available via the NEF**. If a party is not authorized to file electronically, service should be made in accordance with the Federal Rules of Criminal Procedure and a certificate of mailing must be attached to the filed document.
- 3. Viewing Restricted Level 1 Documents.** Case participants and the court may view the document via the NEF.

C. Document Restriction Level 2 (access limited to applicable parties and the court).

- 1. Filing Restricted Documents.** Any document ordered to be filed under **restriction** or a document where the filing party is contemporaneously filing a motion to **restrict** the document shall be filed using ECF.

The document should be filed using the docket event “Restricted Document level” (i.e., Level 2 = access limited to the applicable parties and the court).

- 2. Service of Documents.** An NEF will be sent on documents filed and **the applicable parties and the court may access the document via the NEF**. If a party is not authorized to file **electronically**, service should be made in accordance with the Federal Rules of Criminal Procedure and a certificate of mailing must be attached to the filed document.
- 3. Viewing Restricted Level 2 Documents.** Applicable parties and the court may view the document via the NEF.

D. Document Restriction Level 3 (access limited to the filer and the court).

1. **Filing Restricted Documents.** Any document ordered to be filed under **restriction** or a document where the filing party is contemporaneously filing a motion to **restrict** the document shall be filed using ECF.

The document should be filed using the docket event “Restricted Document level” (i.e., Level 3 = access limited to the filer and the court).

2. **Service of Documents.** An NEF will be sent on documents filed and **the filing party and the court may access the document via the NEF.** If a party is not authorized to file **electronically**, service should be made in accordance with the Federal Rules of Criminal Procedure and a certificate of mailing must be attached to the filed document.
3. **Viewing Restricted Level 3 Documents.** **The filer and the court may view the document via the NEF.**

E. Document Restriction Level 4 (access limited to the court).

1. **Filing Restricted Documents.** Any document ordered to be filed under **restriction** or a document where the filing party is contemporaneously filing a motion to **restrict** the document shall be filed using ECF.

The document should be filed using the docket event “Restricted Document level” (i.e., Level 4 - access limited to the court).

2. **Service of Documents.** An NEF will be generated for the **restricted** document but the parties will not have access via the NEF. Service should be made in accordance with the Federal Rules of Criminal Procedure and a certificate of mailing must be attached to the filed document.
3. **Viewing Restricted Level 4 Documents.** **The court may view the document via the NEF.**

F. **Exceptions.** Document types such as search warrants, pen registers, wiretaps and other documents noted in D.C.Colo.LCivR 47.1 should be presented to the court in paper format or via secure electronic means. A judicial officer may direct the submission of documents using normal restricted case ECF procedures, or may otherwise handle and address the document as deemed most appropriate.

6.2 CJA Submissions. A party who seeks to submit or file a document without giving notice to other parties should file the document electronically.

A. **Filing of CJA Documents.** Any CJA forms and supporting documents to be filed pursuant to representation under the Criminal Justice Act must be filed using the appropriate CJA document docket event, and will be treated as a restricted level 3 document under these procedures. CJA forms should be filed using the docket events available for these documents (e.g., CJA Form 21).

B. **Service of Documents.** An NEF will be generated for the restricted document and the filer and the court may view the document via the NEF. The NEF will only contain the statement "Restricted Document Level 3," or the name of the CJA form. Service should be made in accordance with the Federal Rules of Criminal Procedure and a certificate of mailing must be attached to the filed document.

C. **Viewing CJA Submissions.** The filing party and the court may view the CJA documents via the NEF.

6.3 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 for 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.

- 6.4 Grand Jury Matters.** All grand jury matters which are **restricted** by law or court order shall not be **publicly** accessible via ECF. Documents in grand jury matters shall be filed according to section 6.1(A) of these procedures.
- 6.5 Juvenile Matters.** All juvenile criminal matters which are **restricted** shall not be **publicly** accessible via ECF. Documents in juvenile criminal matters shall be filed according to Section 6.1(A) of these procedures.
- 6.6 Documents Unavailable for Public Review.** The following documents **are restricted** and shall not be publicly available for review:
- psychiatric and psychological reports or medical records, including those regarding treatment or diagnosis;
 - unexecuted summonses or warrants of any kind (e.g., search warrants, arrest warrants);
 - pretrial bail or presentence investigation reports;
 - juvenile records;
 - financial affidavits filed in seeking representation pursuant to the Criminal Justice Act; and
 - **restricted** requests for authorization of investigative, expert or other services pursuant to the Criminal Justice Act.

VII. POST-JUDGMENT PROCESS

Parties needing to have writs and other post-judgment process issued by the court shall submit the items electronically to crnewcases@cod.uscourts.gov in PDF format. If appropriate for issuance, the clerk shall sign, seal, and return the documents to the filing party for service.

VIII. HYPERLINKS

- 8.1 Types of Hyperlinks.** Electronically filed documents may contain the following types of hyperlinks:
- A. hyperlinks to other portions of the same document; and
 - B. hyperlinks to a location on the Internet that contains a source document for a citation.
- 8.2 Standard Citation Format Required.** Hyperlinks to cited authority may not replace standard citation format. Complete citations must be included in the text of the filed document.

8.3 Limitation. Neither a hyperlink, nor any site to which it refers, shall be considered part of the official record. Hyperlinks are simply convenient mechanisms for accessing material cited in a filed document.

8.4 Disclaimer. The court accepts no responsibility for, and does not endorse, any product, organization, or content at any hyperlinked site, or at any site to which that site may be linked. The court accepts no responsibility for the availability or functionality of any hyperlink.

IX. PRIVACY POLICY

See Federal Rule of Criminal Procedure 49.1.
See General Order 2007-3.

X. PUBLIC ACCESS TO ECF

10.1 Access at the Clerk's Office. Access to ECF is available to the public at no charge at the clerk's office during regular business hours.

10.2 Paper Copies and Certified Copies. Paper copies and certified copies of electronically filed documents may be purchased at the clerk's office. The fee for copying and certifying will be in accordance with 28 U.S.C. § 1914.

10.3 Internet Access. Remote electronic access to ECF is limited to subscribers to PACER. The Judicial Conference of the United States has ruled that a user fee will be charged for remotely accessing certain detailed case information, such as filed documents and docket sheets in civil cases. Any member of the public may apply for a PACER account.

APPENDICES

following this page

Judicial Officer E-mail Addresses

JUDICIAL OFFICER	E-MAIL ADDRESS
Chief Judge Wiley Y. Daniel	Daniel_Chambers@cod.uscourts.gov
Senior Judge Richard P. Matsch	Matsch_Chambers@cod.uscourts.gov
Senior Judge John L. Kane	Kane_Chambers@cod.uscourts.gov
Senior Judge Lewis T. Babcock	Babcock_Chambers@cod.uscourts.gov
Judge Marcia S. Krieger	Krieger_Chambers@cod.uscourts.gov
Judge Robert E. Blackburn	Blackburn_Chambers@cod.uscourts.gov
Judge Phillip A. Brimmer	Brimmer_Chambers@cod.uscourts.gov
Judge Christine M. Arguello	Arguello_Chambers@cod.uscourts.gov
Judge William J. Martinez	Martinez_Chambers@cod.uscourts.gov
Judge R. Brooke Jackson	Jackson_Chambers@cod.uscourts.gov
Senior Circuit Judge David M. Ebel	Ebel_Chambers@ca10.uscourts.gov
Magistrate Judge Michael J. Watanabe	Watanabe_Chambers@cod.uscourts.gov
Magistrate Judge Boyd N. Boland	Boland_Chambers@cod.uscourts.gov
Magistrate Judge Craig B. Shaffer	Shaffer_Chambers@cod.uscourts.gov
Magistrate Judge Michael E. Hegarty	Hegarty_Chambers@cod.uscourts.gov
Magistrate Judge Kristen L. Mix	Mix_Chambers@cod.uscourts.gov
Magistrate Judge Kathleen M. Tafoya	Tafoya_Chambers@cod.uscourts.gov
Magistrate Judge Gudrun J. Rice	Rice_Chambers@cod.uscourts.gov
Magistrate Judge David L. West	West_Chambers@cod.uscourts.gov

Proposed orders for visiting judges should be submitted pursuant to the home court preferences of the visiting judge.

APPENDIX A

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

APPLICATION OF ATTORNEY TO FILE DOCUMENTS IN PAPER

Name: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____

E-mail: _____

Please list pending cases in which you have entered an appearance:

State reasons why at this time you should be exempted from filing electronically in accordance with the court's Electronic Case Filing Procedures:

State when you anticipate being prepared to file electronically:

Note: If this request is approved you will be required to file an original and two copies of all documents in accordance with the court's Local Rules.

Submit request in duplicate to:

Clerk, United States District Court
Electronic Filing Registration
901 19th Street, Room A-105
Denver, Colorado 80294-3589

You will be notified in writing of the court's determination.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

SAMPLE FORMATS - CERTIFICATE OF SERVICE (CM/ECF)

Sample A

I hereby certify that on _____ Date _____, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

_____, and I hereby certify that I have mailed or served the document or paper to the following non CM/ECF participants in the manner (mail, hand-delivery, etc.) indicated by the non-participant's name:

s/ _____
Attorney Name
Attorney for (Plaintiff/Defendant)
Law Firm Name
Law Firm Address
Law Firm Phone Number
Law Firm Fax
Attorney's E-mail Address

Sample B

I hereby certify that on _____ Date _____, I presented the foregoing to the Clerk of Court for filing and uploading to the CM/ECF system which will send notification of such filing to the following e-mail addresses:

_____, and I hereby certify that I have mailed or served the document or paper to the following participants in the manner (mail, hand-delivery, etc.) indicated by the non-participant's name:

s/ _____
Attorney Name
Attorney for (Plaintiff/Defendant)
Law Firm Name
Law Firm Address
Law Firm Phone Number
Law Firm Fax
Attorney's E-mail Address